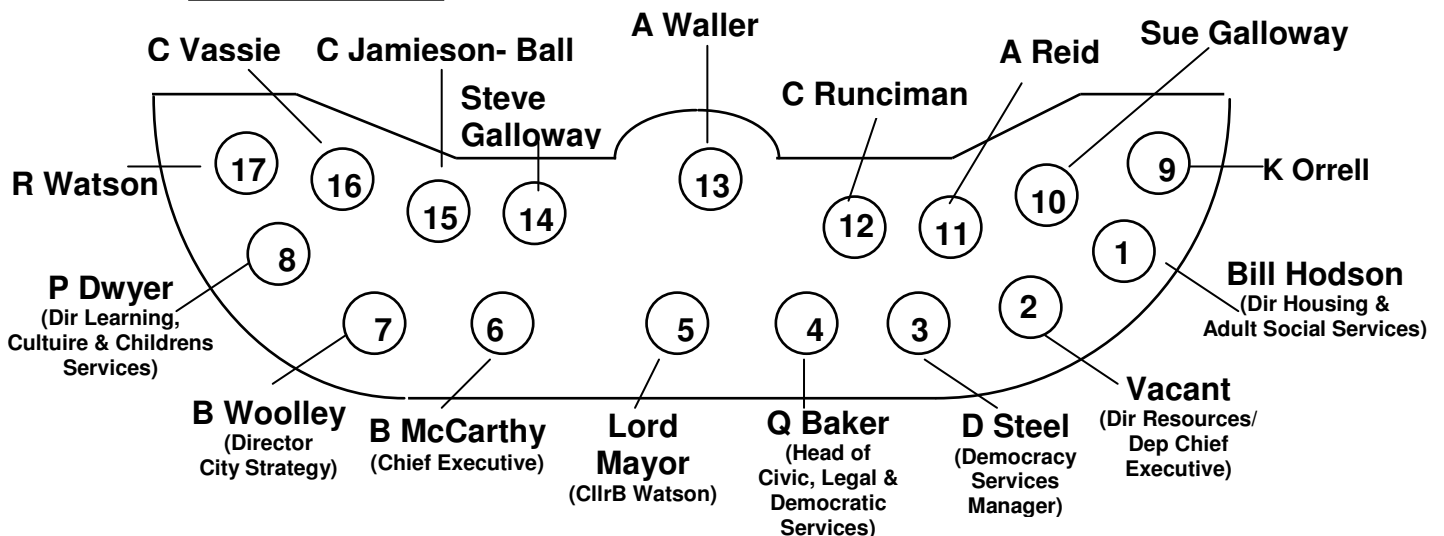
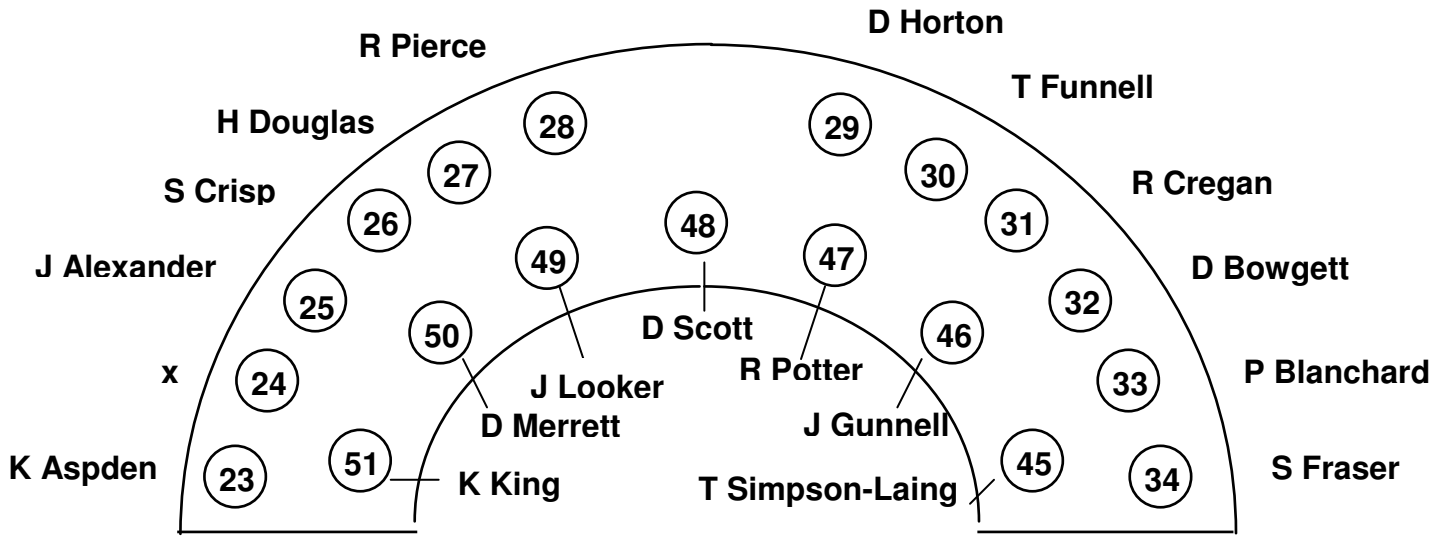


CITY OF YORK COUNCIL SUMMONS

All Councillors, relevant Council Officers and other interested parties and residents are formally invited to attend a meeting of the **City of York Council** at the **Guildhall, York**, to consider the business contained in this agenda, on the following date and time

Thursday, 27 November 2008 at 6.30 pm

COUNCIL CHAMBER



A G E N D A

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. Minutes (Pages 1 - 20)

To approve and sign the minutes of the Council meeting held on 25 September 2008.

3. Civic Announcements

To consider any announcements made by the Lord Mayor in respect of Civic business.

4. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the remit of Council may do so.

Anyone who wishes to register, or requires further information, is requested to contact the Democracy Officer for this meeting. Contact details are listed at the foot of this agenda. The deadline for registering is **5:00pm on Wednesday, 26 November 2008**.

5. Petitions

To consider any petitions received from Members in accordance with Standing Order No.7. To date, notice has been received of petitions to be presented by:

- (i) Cllr King, on behalf of residents of Rowntree Avenue asking the Council to consider installing layby parking in their street.
- (ii) Cllr Ayre, on behalf of local residents asking for safer crossing measures at Stockton Lane, Hempland Lane and Woodlands Grove.

6. Notices of Motion

To consider the following Notices of Motion under Standing Order 12:

A – Motions referred from the Executive in accordance with Standing Order 12.1(a)

None

B – Motions submitted for consideration directly by Council, in accordance with Standing Orders 12.1(b)

(i) From Cllr Sue Galloway

“This Council urges the Government to act quickly to remove the barriers which currently deter local authorities and Registered Social Landlords from purchasing homes, from the private sector, to add to the pool of social rented accommodation available in the City of York area.”

(ii) From Cllr Simpson-Laing

“This Council instructs the Chief Executive to write to the Housing Minister with a request to introduce the following measures aimed at providing much needed affordable housing, to keep people in their homes, to stimulate the market to reuse empty homes and to maintain jobs in the construction industry by:

- a) Allowing councils and housing associations to become the tenants of over market surplus developments, built for the ‘buy to let’ market, to provide much needed affordable homes;
- b) Ensuring that repossession is the action of last resort and investigate how such properties could be part purchased by housing associations;
- c) Bringing back purchase and repair grants to allow housing associations to create new affordable homes out of run down empty property;
- d) Slashing the cost of renovating derelict empty homes by cutting VAT on repair and maintenance.”

(iii) From Cllr Gillies

“This Council agrees to join the campaign for suspension of the Rating (Empty Properties) Act 2007 on commercial buildings by:

- Instructing the Chief Executive to write to the office of the Prime Minister in support of the suspension of the Act; and
- Joining other councils and major businesses in support of the campaign by the British Property Federation to suspend the Act.”

(iv) From Cllr Crisp

“Council recognises the importance of Holocaust Memorial Day.

Council agrees that this event should be recognised fully within the City of York and requests that the Chief Executive takes such steps as are necessary to ensure this event becomes an integral and permanent feature in the annual civic calendar. Council further agrees to allocate sufficient resources, from reserves if necessary, to enable the appropriate recognition of Holocaust Memorial Day by the city on an annual, ongoing basis.”

(v) From Cllr Aspden

This Council:

- i) Notes that local authorities and their communities know the best ways to develop solutions to local problems, and how to promote thriving communities;
- ii) Supports the bottom up principle within the Sustainable Communities Act designed to allow local authorities and their communities to direct help from central government into reversing community decline and promoting thriving, sustainable communities;
- (iii) Notes that the Act gives local authorities the power to
 - make proposals to government on the actions and assistance government must provide to promote sustainable communities, and
 - argue for a transfer of public money and

- function from central to local control;
- (iv) Notes that the Act defines "Sustainable Communities" broadly, that definition having the four aspects of
- improvement of the local economy
 - protection of the environment
 - promotion of social inclusion
 - participation in civic and political activity.

Council welcomes the Sustainable Communities Act as a means of gaining new assistance from government, determining that assistance, arguing for transfers of public monies from central to local control and involving York residents in democracy

Council therefore resolves to use the Act by preparing and submitting proposals for local sustainability to central government, by 31st July 2009, and in doing so, welcomes proposals from York residents and community groups in York."

7. **Report of Executive Leader and Executive Recommendations** (Pages 21 - 40)

To receive and consider a written report from the Leader on the work of the Executive, and the Executive recommendations for approval, as set out below:

Meeting	Date	Recommendations
Executive	7 October 2008	Minute 94 – <i>Capital Programme: Monitor 1</i>
Executive	21 October 2008	Minute 104 – <i>Thriving City: Report Back</i>
Executive	18 November 2008	Minute 122 - <i>Amendments to Officer Scheme of Delegation to provide for an officer to act in the absence of the Chief Executive.</i> [Note: The report referred to in this minute is attached at pages 37-39]

8. Report of Executive Member (Pages 41 - 46)

To receive a written report from the Executive Member for Neighbourhood Services, and to question the Executive Member thereon, provided any such questions are registered in accordance with the timescales and procedures set out in Standing Order 11.1.

9. Questions to the Executive Leader and Executive Members received under Standing Order 10(c)

To deal with the following questions to the Executive Leader and / or other Executive Members, in accordance with Standing Order 11.3:

(i) To the Executive Member for Children's Services, from Cllr Alexander:

"Can the Executive Member for Children's Services detail what extra resources are being given to ensure a successful outcome in the second round 2 bidding for the 'Myplace' scheme?"

(ii) To the Executive Member for City Strategy, from Cllr Potter:

"Would the Executive Member agree with me that the Council needs to set a target to achieve at least a 5% reduction in its energy consumption over the next 12 months?"

(iii) To the Executive Member for City Strategy, from Cllr Potter:

"Would the Executive Member inform Council what action is being taken to re-invigorate the stalled Carbon Management Programme and what steps are being taken to properly resource the need for data analysis to inform the implementation of the programme?"

(iv) To the Executive Member for City Strategy, from Cllr D'Agorne:

"As part of the Access York Phase 2 (ring road improvements) bid, the objectives of 'reducing congestion in the city centre'...'reallocation of roadspace to buses cyclists and pedestrians' and 'manage the demand using parking charges and possibly access restraint over the city

centre bridges' have been stated. If the funding bid is successful, what is the timescale for taking these objectives forward and how will you ensure they are achieved as part of any increased capacity on the outer ring road?"

- (v) To the Executive Member for City Strategy, from Cllr Firth:
"Would the Executive Member for City Strategy comment on how York's LTP2 performance compares with that of similar local authorities elsewhere?"
- (vi) To the Executive Member for Corporate Services, from Cllr Potter:
"What progress has been made with the implementation of the Sustainable Procurement Policy?"
- (vii) To the Executive Member for Leisure, Culture and Social Inclusion, from Cllr Horton:
"Given the numerous occasions in the past when Absolute Leisure have promised to commence works at the Barbican, what assurances can the Executive Member give that this current offer is not another 'empty promise'; and if a start is not made in January 2009 as promised, what action would the Executive Member propose to take?"
- (ix) To the Executive Member for Housing and Adult Social Services, from Cllr Horton:
"Given that grant aided refurbishment works to the property at 17, Almsford Road should have been substantially completed by the end of March 2008, when does the Executive Member anticipate occupation to be taken up, noting that little action appears to have taken place at the property in the last two months?"
- (ix) To the Executive Member for Housing and Adult Social Services, from Cllr Sunderland:
"Would the Executive Member for Housing and Adult Social Services comment on the Council's performance at the Great North Care Awards?"

10. Scrutiny - Report of the Chair of the Scrutiny Management Committee (SMC) and SMC Recommendations (Pages 47 - 104)

To receive a report from Councillor Galvin, the Chair of the Scrutiny Management Committee (SMC) on the work of the SMC and to consider the SMC recommendations for approval, as set out below:

Meeting	Date	Recommendations
Scrutiny Management Committee	17 November 2008	Minute 25 - <i>Review of the Council's Overview and Scrutiny Function</i>

11. Allocation of Local Choice Function – Approval of Local Area Agreement (Pages 105 - 108)

To consider a report of the Head of Civic, Legal and Democratic Services which recommends that the 'local choice' function to approve the Local Area Agreement (LAA) be allocated to the Executive.

12. Activities of Outside Bodies

Minutes of the following meetings of outside bodies, received since the last meeting of Council, have been made available for Members to view via the Council's website at

<http://sql003.york.gov.uk/mqListOutsideBodies.asp?bcr=1>

Copies may also be obtained by contacting Democracy Support Group at the Guildhall, York (tel. 01904 551088)

- Association of North Yorkshire Councils – meeting on 16/10/08
- North Yorkshire Fire and Rescue Authority – meeting on 10/09/08
- Police Authority – meeting on 29/09/08
- Quality Bus Partnership – meeting on 11/09/08 (*draft minutes*)
- Regional Transport Forum – meeting on 19/09/08
- Safer York Partnership – meeting on 13/10/08
- Without Walls Partnership – meetings on 03/07/08, 21/07/08 and 18/09/08
- Yorkshire and Humber Assembly – meeting on 02/10/08

- York NHS Foundation Trust – meetings on 23/04/08, 23/06/08 and 09/07/08

Members are invited to put any questions to the Council's representatives on the above bodies of which notice has been given, in accordance with Standing Order 11.2.

13. Appointments and Changes to Membership (Pages 109 - 110)

To consider the proposed appointments and changes to the membership of committees, working groups and outside bodies set out on the list attached to this summons.

14. Urgent Business

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

Democracy Officer for this meeting:

Name: Fiona Young

Contact details:

- Telephone – (01904) 551027
- E-mail – fiona.young@york.gov.uk

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

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

Contact details are set out above.

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CITY OF YORK COUNCIL

Resolutions and proceedings of the Meeting of the City of York Council held in Guildhall, York on Thursday, 25th September, 2008, starting at 6.30 pm.

Present: The Lord Mayor (Cllr Brian Watson) in the Chair, and the following Councillors:

ACOMB WARD	BISHOPTHORPE WARD
Horton Simpson-Laing	Galvin
CLIFTON WARD	DERWENT WARD
Douglas King Scott	Brooks
DRINGHOUSES & WOODTHORPE WARD	FISHERGATE WARD
Holvey Reid Sunderland	D'Agorne Taylor
FULFORD WARD	GUILDHALL WARD
Aspden	Looker
HAXBY & WIGGINTON WARD	HESLINGTON WARD
Firth Hogg R Watson	Jamieson-Ball
HEWORTH WARD	HEWORTH WITHOUT WARD
Blanchard Funnell Potter	Ayre
HOLGATE WARD	HULL ROAD WARD
Alexander Bowgett Crisp	Cregan Pierce

HUNTINGTON & NEW EARSWICK
WARD

Hyman
Orrell
Runciman

MICKLEGATE WARD

Fraser
Gunnell
Merrett

OSBALDWICK WARD

Morley

RURAL WEST YORK WARD

Gillies
Healey
Hudson

SKELTON, RAWCLIFFE & CLIFTON
WITHOUT WARD

Moore
I Waudby

STRENSALL WARD

Kirk
Wiseman

WESTFIELD WARD

Steve Galloway
Sue Galloway
Waller

WHELDRAKE WARD

Vassie

Apologies for absence were received from Councillor Watt.
Apologies for lateness were received from Cllr Jamieson-Ball.

25. FORMER LADY MAYORESS MRS MOLLY PULLEYN

Members observed a minute's silence in respect of former Lady Mayoress Mrs Molly Pulleyn, who had recently died.

26. 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. No interests were declared.

27. MINUTES

RESOLVED: That the minutes of the Council meeting held on 30 June 2008 be approved and signed by the Chair as a correct record, subject to the entry under Minute 13 (Declarations of Interest) being amended to record Cllr Scott's interest as personal and non prejudicial.

28. CIVIC ANNOUNCEMENTS

The Lord Mayor announced the planned launch of HMS Dragon, which would replace HMS York as the City ship, on 17 November 2008.

29. PUBLIC PARTICIPATION

The Lord Mayor reported that there had been three registrations to speak at the meeting under the Council's Public Participation Scheme.

Paul Hunter spoke in support of the petition to be presented under the next agenda item by Cllr Simpson-Laing, on behalf of residents of Newlands Drive.

Barbara Robinson spoke in support of the petition to be presented under the next agenda item by Cllr D'Agorne, regarding safety at the Broadway shops.

Mark Warters spoke in relation to land to the west of Metcalfe Lane, in Osbaldwick. He welcomed the interest shown by the European Commission regarding a potential breach of procurement rules in acquiring the site, which might lead to the failure of the Derwenthorpe development.

30. PETITIONS

The following petitions were presented by Members under Standing Order 7:

- (i) A petition presented by Cllr Wiseman, on behalf of residents of Strensall, concerning drainage, road surfacing and white lining in their area.¹
- (ii) A petition presented by Cllr Potter, on behalf of residents seeking the introduction of 20 mph speed limits in residential streets in York.²
- (iii) A petition presented by Cllr Simpson-Laing, on behalf of residents of Newlands Drive, seeking traffic measures to stop 'rat running' in their street as a consequence of the Manor School Traffic Project.³
- (iv) A petition presented by Cllr Hogg, on behalf of residents of Haxby objecting to the proposed erection of a mobile 'phone mast in Oak Tree Lane, Haxby.⁴
- (v) A petition presented by Cllr Douglas, on behalf of residents of Clifton Dale, seeking a review of traffic problems on the Clifton Green hypoteneuse.⁵
- (vi) A petition presented by Cllr Douglas, on behalf of residents asking the Council to provide a shared cycle / footpath on the highway at Crichton Avenue.⁶
- (vii) A petition presented by Cllr D'Agorne, on behalf of residents calling for improved parking arrangements at Broadway shops, in the interests of pedestrian safety.⁷

RESOLVED: That the above petitions be referred to the Executive or appropriate committee.

Action Required

- 1. Refer petition to Executive or appropriate committee - add SL to Forward Plan if referred to Executive.
- 2. Refer petition to Executive or appropriate committee - add SL to Forward Plan if referred to Executive.
- 3. Refer petition to Executive or appropriate committee - add SL to Forward Plan if referred to Executive.
- 4. Refer petition to Executive or appropriate committee - add SL to Forward Plan if referred to Executive.
- 5. Refer petition to Executive or appropriate committee - add SL to Forward Plan if referred to Executive.
- 6. Refer petition to Executive or appropriate committee - add SL to Forward Plan if referred to Executive.
- 7. Refer petition to Executive or appropriate committee - add SL to Forward Plan if referred to Executive.

31. NOTICES OF MOTION

(i) Fuel Poverty

It was moved by Cllr Vassie and seconded by Cllr Sue Galloway that:

“Council notes that:

- 1) Almost a quarter of people in the UK are expected to be in fuel poverty by next year. Average household electricity bills are already expected to increase to more than £500 per year by 2010, and gas bills to around £900.
- 2) The Government has announced its intention to introduce a £910m package, paid for by energy companies, which is designed to tackle fuel poverty through a number of measures.
- 3) Worthwhile investment has been made this year to improve smart metering – the displaying of energy consumption – in approximately 20 council buildings.
- 4) Energy companies have profited from a £9 billion windfall from the EU emissions trading scheme and are therefore able to contribute significantly more to increasing energy efficiency and cutting bills than the Government’s package recommends.

Council believes that the measures of the Government’s £910m package do not go far enough; they will not reduce fuel bills in the short term, and do not place a mandatory condition on energy companies to not pass the cost of this package onto the consumer, despite the emissions trading windfall.

Council resolves to:

- 1) Instruct the Chief Executive to write to the Secretary of State for Business to request that energy companies use this windfall, rather than pass the cost onto the customer, and to provide:
 - A national home insulation programme, as proposed by the Local Government Association, which would use £500m a year from energy companies to ensure that 500,000 people are lifted out of fuel poverty as well as sustain locally generated employment;
 - Social tariffs, to ensure that the 2.25 million people on pre-payment meters are not unfairly penalised by disproportionately high bills, costing the energy companies in the region of £275m a year.
 - A wide scale introduction of smart meters in people’s homes to record consumption rates, allowing consumers to know where changes can be made in their energy use to reduce bills.
- 2) Work with the Energy Saving Trust Advice Centre for York to assist with the promotion of smart metering in residents’ homes to help people facing fuel poverty in the city.
- 3) Request that council officers investigate the inclusion of smart metering in Tenants Choice.”

Cllr D’Agorne then moved, and Cllr Taylor seconded, an amendment to the above motion, as follows:

“In the first paragraph (starting ‘*Council notes that*’):

- in 3), insert ‘*in York*’ after ‘*this year*’

- add '5) Kirklees Council has been praised by the Local Government Association for an initiative that will see every household in Kirklees given the option of free loft and cavity wall insulation.'

In the third paragraph (starting 'Council resolves to'):

- in 1), insert 'regulations are changed to ensure that' after 'to request that'
- add '4) Request Officers to prepare a report within three months outlining options for a Council-led area based insulation scheme (as proposed by the LGA) to urgently address fuel poverty within the City for both public sector and private housing.'

On being put to the vote, the amendment was declared CARRIED.

The motion, as amended, now read as follows:

"Council notes that:

- 1) *Almost a quarter of people in the UK are expected to be in fuel poverty by next year. Average household electricity bills are already expected to increase to more than £500 per year by 2010, and gas bills to around £900.*
- 2) *The Government has announced its intention to introduce a £910m package, paid for by energy companies, which is designed to tackle fuel poverty through a number of measures.*
- 3) *Worthwhile investment has been made this year in York to improve smart metering – the displaying of energy consumption – in approximately 20 council buildings.*
- 4) *Energy companies have profited from a £9 billion windfall from the EU emissions trading scheme and are therefore able to contribute significantly more to increasing energy efficiency and cutting bills than the Government's package recommends.*
- 5) *Kirklees Council has been praised by the Local Government Association for an initiative that will see every household in Kirklees given the option of free loft and cavity wall insulation.*

Council believes that:

The measures of the Government's £910m package do not go far enough; they will not reduce fuel bills in the short term, and do not place a mandatory condition on energy companies to not pass the cost of this package onto the consumer, despite the emissions trading windfall.

Council resolves to:

- 1) *Instruct the Chief Executive to write to the Secretary of State for Business to request that regulations are changed to ensure that energy companies use this windfall, rather than pass the cost onto the customer, and to provide:*
 - *A national home insulation programme, as proposed by the Local Government Association, which would use £500m a year from energy companies to ensure that 500,000 people are lifted out of fuel poverty as well as sustain locally generated employment;*
 - *Social tariffs, to ensure that the 2.25 million people on pre-payment meters are not unfairly penalised by disproportionately high bills, costing the energy companies in the region of £275m a year.*

- *A wide scale introduction of smart meters in people's homes to record consumption rates, allowing consumers to know where changes can be made in their energy use to reduce bills.*
- 2) *Work with the Energy Saving Trust Advice Centre for York to assist with the promotion of smart metering in residents' homes to help people facing fuel poverty in the city.*
- 3) *Request that council officers investigate the inclusion of smart metering in Tenants Choice.*
- 4) *Request Officers to prepare a report within three months outlining options for a Council-led area based insulation scheme (as proposed by the LGA) to urgently address fuel poverty within the City for both public sector and private housing.”]*

Cllr Simpson-Laing, having given notice of a second amendment to the original motion, then sought leave to alter her amendment in order to adapt it to the amended motion.

At this point, the meeting was adjourned to enable the altered wording to be agreed.

The meeting having been re-convened and Council having consented to the alteration, Cllr Simpson-Laing moved, and Cllr Scott seconded, the altered amendment, as follows:

“In the first paragraph insert an additional point at the end:

‘6) The £910m package to tackle fuel poverty is welcomed but it will not necessarily help those who live in the Private Rented Sector.’

In the third paragraph:

Insert after point 1) a new point 2), to read as follows:

‘2) Instruct the Chief Executive to write to the Secretary of State for Communities and the Minister for Housing to address the concern for those who live in the Private Rented Sector, whose homes do not currently meet the minimum insulation and energy efficiency standards and ask that a minimum standard is set and enforced for this sector of the housing market as a matter of urgency.’

Re-number the previous points 2), 3) and 4) as points 3), 4) and 5) respectively.

Insert an additional point 6), to read as follows:

‘6) Provide 40 smart meters to be made available in York's libraries so that York residents can see the benefits they provide; such meters being funded from reserves (£800).”

On being put to the vote, the altered amendment was declared CARRIED.

The motion, as further amended, now read as follows:

“Council notes that:

- 1) *Almost a quarter of people in the UK are expected to be in fuel poverty by next year. Average household electricity bills are already expected to increase to more than £500 per year by 2010, and gas bills to around £900.*

- 2) *The Government has announced its intention to introduce a £910m package, paid for by energy companies, which is designed to tackle fuel poverty through a number of measures.*
- 3) *Worthwhile investment has been made this year in York to improve smart metering – the displaying of energy consumption – in approximately 20 council buildings.*
- 4) *Energy companies have profited from a £9 billion windfall from the EU emissions trading scheme and are therefore able to contribute significantly more to increasing energy efficiency and cutting bills than the Government's package recommends.*
- 5) *Kirklees Council has been praised by the Local Government Association for an initiative that will see every household in Kirklees given the option of free loft and cavity wall insulation.*
- 6) *The £910m package to tackle fuel poverty is welcomed but it will not necessarily help those who live in the Private Rented Sector.'*

Council believes that:

The measures of the Government's £910m package do not go far enough; they will not reduce fuel bills in the short term, and do not place a mandatory condition on energy companies to not pass the cost of this package onto the consumer, despite the emissions trading windfall.

Council resolves to:

- 1) *Instruct the Chief Executive to write to the Secretary of State for Business to request that regulations are changed to ensure that energy companies use this windfall, rather than pass the cost onto the customer, and to provide:*
 - *A national home insulation programme, as proposed by the Local Government Association, which would use £500m a year from energy companies to ensure that 500,000 people are lifted out of fuel poverty as well as sustain locally generated employment;*
 - *Social tariffs, to ensure that the 2.25 million people on pre-payment meters are not unfairly penalised by disproportionately high bills, costing the energy companies in the region of £275m a year.*
 - *A wide scale introduction of smart meters in people's homes to record consumption rates, allowing consumers to know where changes can be made in their energy use to reduce bills.¹*
- 2) *Instruct the Chief Executive to write to the Secretary of State for Communities and the Minister for Housing to address the concern for those who live in the Private Rented Sector, whose homes do not currently meet the minimum insulation and energy efficiency standards and ask that a minimum standard is set and enforced for this sector of the housing market as a matter of urgency.²*
- 3) *Work with the Energy Saving Trust Advice Centre for York to assist with the promotion of smart metering in residents' homes to help people facing fuel poverty in the city.³*
- 4) *Request that council officers investigate the inclusion of smart metering in Tenants Choice.⁴*
- 5) *Request Officers to prepare a report within three months outlining options for a Council-led area based insulation scheme (as proposed by the LGA) to urgently address fuel poverty within the City for both public sector and private housing.⁵*

- 6) *Provide 40 smart meters to be made available in York's libraries so that York residents can see the benefits they provide; such meters being funded from reserves (£800).*⁶

The motion, as amended by the first and second amendments was then put to the vote and declared CARRIED and it was

RESOLVED: That the above notice of motion, as amended, be approved.

(ii) Delivery of Major Capital Projects

It was moved by Cllr Scott and seconded by Cllr Pierce that
"This Council notes the inability of the controlling Lib Dem Executive to deliver major capital projects for the City:

- It has failed to deliver the re-provision of the Peasholme Hostel on time and within budget
- It has failed to deliver the re-provision of City Centre swimming
- It has failed to deliver the Auditorium at the Barbican
- It has failed to deliver the Council HQ building at the Hungate site within the time scales promised.

Council notes that the Executive has now spent or committed £4.8 million of public money on the Hungate HQ project – without laying a single brick. Council considers the Lib Dem Executive's failures in these projects to be one of gross incompetence and mismanagement.

Council notes that ownership and responsibility for the project will now reside with the Director for City Strategy and wish him every success.

Council calls for similar changes in the Executive by the resignation of the Executive Member for City Strategy, Cllr Steve Galloway, who must take ultimate responsibility for the catalogue of bad decisions when he was Leader of the Council.

Council requests the Executive Leader to take personal control and responsibility of all the projects to ensure the delivery of:

- The Peasholme Centre
- The new Council HQ
- The Community Stadium

on time and on budget.

Council requests a monthly report from the Executive Leader from October to all Elected Members detailing the progress of these and future important developments in the City."

Cllr Waller then moved, and Cllr Steve Galloway seconded, an amendment to the above motion, as follows:

In the first paragraph, delete all after 'This Council notes' and insert: *'that the Council over the last five years has implemented the largest capital programme in its history and that the vast majority of the programme is being delivered on time and within allocated budgets. ' Against the background of*

the mismanagement of the national economy by the present government, Council notes that there have been unavoidable delays to some projects.'

Delete the second, third and fourth paragraphs.

In the fifth paragraph, delete all after '*Council requests the Executive Leader to*' and insert: '*produce a monthly report from October to all elected Members detailing the progress being made on important developments by the City of York Council.*'

Delete the sixth paragraph."

On being put to the vote, the amendment was declared LOST.

The original motion was then put to the vote and declared LOST and it was

RESOLVED: That the above notice of motion not be approved.

(iii) A64 Link Road

It was moved by Cllr Galvin and seconded by Cllr Wiseman that

"To aid the development of the Terrys Site, Council instructs the appropriate officers to treat as a matter of urgency the need for a Link Road between Bishopthorpe Road and Sim Balk Lane to the south side of the A64. Officers are therefore instructed to report to the Full Council as soon as possible addressing the following options:

- 1) the potential for funding the Link Road, with a contribution from Developers and other sources; or
- 2) the possibility of entering into discussions with the land owners of the proposed route of such link road, with the view to allowing some development for the purpose of funding a Link Road.

Such report to investigate the possibility of constructing a new junction to the west of London Bridge, to facilitate speedy access onto the A64 slip roads."

Cllr Steve Galloway then moved, and Cllr Moore seconded, an amendment to the above motion, as follows:

In the first sentence of the first paragraph:

- delete '*treat*' and insert '*develop*'
- after '*urgency*' insert '*and in a timescale to inform any future planning application, an assessment of the need form and effectiveness of providing*'
- delete '*the need for a*'

In the second sentence of the first paragraph:

- delete '*the following options: 1)*'
- delete all of point 2 and substitute '*The report should also indicate how any proposed future development allocated through the LDF process could contribute to the construction costs of such a link road proposal.*'

In the second paragraph:

- between '*report*' and '*to*', insert '*also*'."

On being put to the vote, the amendment was declared CARRIED.

The motion, as amended, now read as follows:

“To aid the development of the Terrys Site, the Council instructs the appropriate officers to develop as a matter of urgency and in a timescale to inform any future planning application, an assessment of the need for, and effectiveness of providing, a Link Road between Bishopthorpe Road and Sim Balk Lane to the south side of the A64.

Officers are therefore instructed to report to the Full Council as soon as possible addressing the potential for funding the Link Road, with a contribution from Developers and other sources.

The report should also indicate how any proposed future development allocated through the LDF process could contribute to the construction costs of such a link road proposal.

Such report also to investigate the possibility of constructing a new junction to the west of London Bridge to facilitate speedy access on to the A64 slip roads.”

Cllr Merrett, having given notice of a second amendment to the original motion, then sought leave to alter his amendment in order to adapt it to the amended motion.

At this point, the meeting was adjourned to enable the altered wording to be agreed.

The meeting having been re-convened and Council having consented to the alteration, Cllr Merrett moved, and Cllr Galvin seconded, the altered amendment, as follows:

“In the first paragraph:

- Delete ‘to’ in the first line and insert ‘*This Council notes that as an*’
- After ‘aid’, insert ‘to’
- After ‘Terrys Site’, delete ‘the Council’ and insert ‘it has been suggested that’ and delete all from ‘instructs’ to ‘providing’.
- After ‘A64’ in the fourth line, insert: ‘*should be considered, and that this also offers the opportunity to keep race day traffic out of the main city area and roads, using this suggested link and the Bustardthorpe access to the Racecourse.*’

In the second paragraph:

- Delete all after ‘instructed to’ and insert ‘*undertake a feasibility study and to prepare a detailed report as soon as possible, and in a timescale to inform any future planning application, to include the arguments for and against such a proposal and also to address the potential for funding the Link Road with a contribution from Developers and other sources.*

In the third paragraph, delete all after ‘Such report to’ and insert:

- a) *consider the implications for the road network and road junctions in the South West quadrant of the City, of proceeding with the proposed Link Road;*
- b) *consider what additional measures might be required to protect residential amenity on Bishopthorpe Road north of the Terrys site and the Nunnery Lane / Price’s Lane gyratory from additional traffic and worsening the already above limit air pollution;*

- c) *investigate the possibility of constructing a new junction to the west of London Bridge to facilitate more effective access on to the A64 slip roads;*
- d) *investigate complementary and / or alternative public transport improvements to address the potential traffic form the Terrys development and to address the serious problems of unreliability and inadequate service frequency of the current main No.11 Bishopthorpe Road / South Bank / Bishopthorpe bus service and*
- e) *investigate other sustainable transport solutions that would facilitate appropriate development of the Terrys site, including much better cycling links than proposed in conjunction with the recent planning application to the city northwards and westwards from the site.”*

On being put to the vote, the altered amendment was declared CARRIED.

The motion, as further amended, now read as follows:

"This Council notes that, as an aid to the development of the Terrys Site, it has been suggested that a Link Road between Bishopthorpe Road and Sim Balk Lane to the south side of the A64 should be considered, and that this also offers the opportunity to keep race day traffic out of the main city area and roads, using this suggested link and the Bustardthorpe access to the Racecourse.

Officers are therefore instructed to undertake a feasibility study and to prepare a detailed report as soon as possible, and in a timescale to inform any future planning application and also to address the potential for funding the Link Road with a contribution from Developers and other sources. The report should also indicate how any proposed future development allocated through the LDF process could contribute to the construction costs of such a link road proposal.⁷

Such report to:

- a) *consider the implications for the road network and road junctions in the South West quadrant of the City , of proceeding with the proposed Link Road;*
- b) *consider what additional measures might be required to protect residential amenity on Bishopthorpe Road north of the Terrys site and the Nunnery Lane / Price's Lane gyratory from additional traffic and worsening the already above limit air pollution;*
- c) *investigate the possibility of constructing a new junction to the west of London Bridge to facilitate more effective access on to the A64 slip roads;*
- d) *investigate complementary and / or alternative public transport improvements to address the potential traffic form the Terrys development and to address the serious problems of unreliability and inadequate service frequency of the current main No.11 Bishopthorpe Road / South Bank / Bishopthorpe bus service and*
- e) *investigate other sustainable transport solutions that would facilitate appropriate development of the Terrys site, including much better cycling links than proposed in conjunction with the recent planning application to the city northwards and westwards from the site.”*

On being put to the vote, the motion, as amended by the two amendments, was declared CARRIED and it was

RESOLVED: That the above notice of motion, as amended, be approved.

(iv) Yozone Card

It was moved by Cllr Potter and seconded by Cllr Alexander that

“Council instructs the Director of City Strategy to report to the Executive on the implications of working with the City’s bus providers to extend the Yozone card to all young people in full time education up to the age of 19 years.”⁸

On being put to the vote, the motion was declared CARRIED and it was

RESOLVED: That the above notice of motion be approved.

(v) New Growth Point Funding

It was moved by Cllr Waller and seconded by Cllr Runciman that

“Council notes:

- 1) The offer by Leeds City Region Leaders to provide brownfield sites for eco-friendly development in the sub-region in lieu of a single site for an ‘eco-town’.
- 2) That one of these locations was York North West, which had recently been the subject of an unsuccessful bid by the Council for New Growth Point funding.
- 3) That should this funding become available then it would help to underpin the major investment in transport and other infrastructure required if the project is to start in the short term. It would also ensure that more sustainability is built into the design features of the development, and would help to ensure that more affordable housing is provided on the site.

Council requests that an all party delegation from City of York Council be formed to meet with the appropriate Minister with a view to making the case for York North West to receive central government ‘eco’ / growth point funding.”⁹

On being put to the vote, the motion was declared CARRIED and it was

RESOLVED: That the above notice of motion be approved.

Action Required

- | | |
|--|----|
| 1. Write to Secretary of State for Business in these terms. | DB |
| 2. Write to the Secretary of State for Communities and the Minister of Housing in these terms. | DB |
| 3. Work with Energy Saving Trust Advice Centre to help promote smart metering. | SB |
| 4. Investigate the inclusion of smart metering in Tenants | SB |

Choice	
5. Include on Forward Plan a report outlining options for a Council-led area based insulation scheme	SB
6. Make arrangements for the provision of smart meters in libraries	CB
7. Undertake feasibility study and produce report	SL
8. Prepare report to the Executive on the implications of working to extend the Yozone card - include on Forward Plan	SL
9. Co-ordinate the formation of an all party delegation to meet with the Minister, as resolved	SL

32. REPORT OF EXECUTIVE LEADER AND EXECUTIVE RECOMMENDATIONS

A written report was received from the Leader, Cllr Andrew Waller, on the work of the Executive.

Cllr Waller then moved, and Cllr Runciman seconded, those minutes requiring confirmation from the Executive meeting on 29 July 2008, namely:

- Minute 51 – Web Casting of Council Meetings
- Minute 52 – Update on Carry Forward Issues and Key Considerations in the Allocation of Surplus Resources

In commenting on the Leader's report, the Leader of the Opposition asked a number of questions on the Hungate and Community Stadium projects. The Leader responded that there was now a political consensus that the new Council Headquarters should be located in the city centre and that a report on potential sites would be considered at the Executive meeting on 20 October. With regard to the Community Stadium, agreement had already been reached to appoint a project manager and a business case for the stadium would be brought back to Full Council for discussion in due course.

[At this point in the meeting, the guillotine fell and the remainder of the business was dealt with in accordance with Standing Order 1(c), being deemed to be proposed and seconded and being voted on without debate].

Cllr Scott moved, and Cllr Looker seconded, an amendment to the Executive recommendation under Minute 51 (Web Casting of Council Meetings), as follows:

*"Delete all after 'asked to' and before 'Council Chamber' and substitute: 'proceed with the report option to establish a negotiated contract for web-casting Council meetings. Such a contract should account for utilising"
Delete all after 'system' and substitute: 'and would be based upon web-casting both Full Council meetings as well as a set number of main Planning Committee meetings, based upon a forecast of those major applications likely to come forward for determination each year. Officers to report back on contract negotiations within this calendar year."*

On being put to the vote, the amendment was declared CARRIED.

The recommendation, as amended, now read as follows:

“That Officers be asked to proceed with the report option to establish a negotiated contract for web-casting Council meetings. Such a contract should account for utilising the Council Chamber for web-casting, using an ‘out-hosted’ system, and would be based upon web-casting both Full Council meetings as well as a set number of main Planning Committee meetings, based upon a forecast of those major applications likely to come forward for determination each year. Officers to report back on contract negotiations within this calendar year.”

The Executive recommendations, as amended, were then put to the vote and declared CARRIED and it was

RESOLVED: (i) That the recommendation under Minute 51, as amended, be approved and negotiations be commenced on a contract for web casting.¹

(ii) That the recommendation under Minute 52 be approved and an ‘invest to save’ fund of £1m be established from the General Reserve.²

Action Required

- | | |
|--|----|
| 1. Enter into negotiations for a contract to provide Web Casting | SA |
| 2. Establish an 'invest to save' fund | SA |

33. REPORT OF EXECUTIVE MEMBER

A written report was received from Cllr Vassie, the Executive Member for Leisure, Culture and Social Inclusion.

Notice had been received of six questions on the report, submitted by Members in accordance with Standing Orders.

The guillotine having fallen at this point, Members agreed to receive written replies to these questions. The questions and the written responses are set out below:

(i) From Councillor Looker

“Given the precarious state of the financial markets, and the building trade, what written assurances has the Executive Member seen from Barbican Leisure to assure him that the Barbican is going to get its full refurbishment and when are we likely to see some firm dates for re-opening. How secure are the Community Carol Concert and the Festival of Remembrance for 2009?”

Reply

“Cllr Looker is right to draw attention to the economic circumstances in which we now find ourselves. I share the concerns of all members at the time it is taking to see work begin on the refurbishment of the Barbican.

We have received repeated assurances for Absolute Leisure that the Barbican will re-open by Easter 2009. However, we have also seen a lot of time lost in the discharging of the pre-conditions that need to be satisfied prior to the refurbishment commencing.

I have been working with officers over the past two weeks to identify which pre-conditions are still outstanding. They include conditions about supplying samples of the glass and cladding that is proposed, a detailed method of works statement, and the submission of a Sustainability Statement. These pre-conditions can plainly not be swept aside. A meeting with Absolute Leisure has been organised for the beginning of October. The meeting will be chaired by Bill Woolley. I expect this meeting either to resolve the matter of the pre-conditions or to set a firm deadline for Absolute Leisure to supply the information to satisfy those pre-conditions. A letter has been sent to Absolute Leisure in advance of this meeting to try to ensure that the meeting resolves matters.

I should point out that once the pre-conditions have been satisfied and Absolute Leisure have paid the £0.75 million they have agreed to pay then they will have to pay the approximately £3million refurbishment costs into a joint escrow account in order to pay for the refurbishment works. In other words, CYC cannot be short changed on the refurbishment works.

If the meeting does not produce progress then we will be considering all the options available to us. The council has the power to give 4 weeks' notice that it intends to determine the agreement, giving Absolute Leisure the option of either walking away or completing, paying the purchase price, and depositing the £3million. I would hope we do not have to go down that particular path because getting the Barbican refurbished and re-opened as soon as possible is plainly what most people would wish to see and the plans I have seen suggest that the proposed refurbishment would produce the exciting venue we need in York. It should also be borne in mind that when CYC was last running the Barbican it was costing the city around £750k per year.”

(ii) From Councillor Looker

“What are the arrangements that the Executive member for Leisure, Heritage and Social Inclusion is making for ensuring the Social Inclusion issues are raised and dealt with at EMAP. Is it not critical that we can be seen to be taking forward a full work plan to improve all elements of Social Inclusion within both CYC and the City?”

Reply

"I agree that Social Inclusion issues need to be raised and dealt with at EMAP. It is also clear that the workload for groups such as the Social Inclusion Working Group are very onerous and that discussion needs to take place to ensure the programme for the year ahead is manageable.

I will ensure that EMAP does get to see and comment on the forward plan for Social Inclusion.

Recent meetings of the Social Inclusion Working Group have demonstrated what a valuable contribution these issues make to the fabric of life in our city and the functioning of this local authority. Seeing how written reports are presented to those with learning difficulties offers an insight into the huge gap between reports produced for officers and members and reports produced for the public at large. Quite frankly I believe most residents, myself included, would prefer reports that paid far more attention to presentation."

(iii) From Cllr Orrell

"Could the Executive Member update us on user numbers and energy efficiency data at Yearsley Pool?"

Reply

As can be seen in my Executive report, user numbers are up 34.7% since the revamp of Yearsley pool. Quarterly figures show that April to June this year 34,396 visits were made to the pool, compared with 25,534 for the same period in 2007.

Re: energy efficiency data, as the Executive report makes clear, bills for steam used to heat the pool have more than halved. I am still awaiting detailed information on electricity consumption. I understand similar savings have been made.

I want to congratulate both officers responsible for the revamp and staff operating the pool for all the hard work."

(iv) From Cllr Looker

"While fascinated by the prospect of the nuclear history of York (presumably in the "nuclear bomb" sense rather than in the purer physics sense) does the Executive member feel confident that we are going to see a comprehensive plan for the City Archives coming out of Richard Taylor's work, and when does he hope to see this come to fruition, and to EMAP?"

Reply

"Yes, I am confident that Richard Taylor will produce a comprehensive plan for the City Archives. I think seconding him from the National Railway Museum has been a fantastic move for the city and really does offer us the opportunity to move forwards with the city archives. Richard understands better than most the national context for archives, and the need to be creative and imaginative about how they are made

available to the public, residents, visitors and academic institutions around the world. York has previously struggled because our vision for the archives was more about finding a home for a load of tricky and demanding old paper rather than a plan for opening up access to the city's history. The scrutiny report on the archives challenged that lack of vision and set the course for appointing someone from outside the council to move the issue forwards.

York has an incredible collection of invaluable archival material, equal to the quality of our built historic environment, going back many hundreds of years, from documents concerning the running of the city to the reports produced by non-conformists, such as the Rowntrees, looking into poverty in the 19th century. What we need is an imaginative plan for making these documents available to the many. With the appetite for local history, and our plans for an expansion of the Central Library, and Richard Taylor's input, I have every confidence that we can create a blueprint for a revitalised service that re-establishes the City Archive as a focus for civic pride. .

A report, containing an action plan to move things forwards quickly in the new year, will be coming to the Executive on 16th December. Rather than bringing a formal report to EMAP, I would propose a workshop on this issue at EMAP on 2nd December to discuss to discuss the principles and opportunities so that the discussion can then inform the Executive meeting on 16th December."

(v) From Cllr Ayre

"Could the Executive Member update us as to the user numbers at Acomb Library?"

Reply

"Over the 12 months prior to closure for the refit, visitor numbers averaged 180 per day. Over the 8 months since the Library re-opened visits have averaged 428 visits per day.

These outstanding figures have been matched by the figures for new members at the library which have more than doubled since the new Acomb Explore Library opened its doors in February, from around 100 per month in 2007 to around 230 a month this year, with over 330 people applying for membership in last August."

(vi) From Cllr Kirk

"Could the Executive Member update us on plans to hold a Holocaust Memorial Day in York next year?"

Reply

"Holocaust Memorial Day is the international day of remembrance for the victims of the Holocaust and the other many genocides that have taken place around the world both before the Holocaust and in the years since.

The day will provide a context for looking at our collective past and reflecting on the misery and suffering human beings have brought on each other through hatred of difference. It will provide an opportunity to motivate ourselves not to repeat the crimes of the past.

For York next January the theme will be that of Standing up to Hatred. A group, of which I, Cllr Looker and Cllr Crisp are members, has been meeting to develop plans for the central civic ceremony on 27th January which will, I hope, include among its participants both young and old, members of all faiths and none, and representatives from refugee groups in York."

34. QUESTIONS TO THE EXECUTIVE LEADER AND EXECUTIVE MEMBERS RECEIVED UNDER STANDING ORDER 10(C)

One question had been submitted to the Executive Leader and Executive Members under Standing Order 10(c)(i)

The guillotine having fallen at this point, Members agreed to receive a written answer to this question. The question and the written response are set out below:

To the Executive Member for Housing and Adult Social Services, from Cllr Simpson-Laing:

"Can the Executive Member inform Council of when she last visited the 'Family Accommodation' at Ordnance Lane and could she comment whether she would be happy to live in the flat(s) herself?"

Reply:

"I visited this accommodation last Friday.

If I were facing homelessness, then I would be reconciled to living in this sort of accommodation for a short period of time."

35. SCRUTINY - REPORT OF THE CHAIR OF THE SCRUTINY MANAGEMENT COMMITTEE

A written report was received from Cllr Galvin, the Chair of the Scrutiny Management Committee (SMC) on the work of the SMC since the last report to Council, on 30 June 2008.

36. ACTIVITIES OF OUTSIDE BODIES

Minutes of the following meetings had been made available for Members to view on the Council's website:

- Local Government Yorkshire & Humberside – meeting in June 2008
- North Yorkshire Fire & Rescue Authority – meeting on 18/6/08
- Pension Fund Sub-Committee – meeting on 25/6/08

- North Yorkshire Police Authority – meeting on 30/6/08
- Quality Bus Partnership – meeting on 19/6/08
- Regional Transport Forum – meeting on 19/6/08
- Safer York Partnership – meeting on 10/7/08
- Yorkshire and Humber Assembly – meeting on 26/6/08

No questions had been submitted to representatives on the above bodies.

37. APPOINTMENTS AND CHANGES TO MEMBERSHIP

A number of additions to the list of appointments and changes to the membership of committees and outside bodies circulated around the Council Chamber were proposed verbally at the meeting.

These additions have been included on the list attached as Annex 1 to these minutes.

RESOLVED: That the appointments to Committees, Outside Bodies and Working Groups set out on the revised list circulated at the meeting and the further appointments proposed at the meeting be approved.¹

Action Required

1. Amend membership details on the Committee Management system and internet and send letters to outside body contacts GR

Cllr Brian Watson

LORD MAYOR OF YORK

[The meeting started at 6.30 pm and concluded at 10.05 pm]

Leaders Report 26th November 2008

Since the papers for the last Full Council were published the Executive has met five times, and the Executive has taken as a priority the response to the downturn in the national economy, and how local people and businesses can be helped through this difficult time. I would also like to thank officers for all the work that has gone into coping with the fire at York High School since my last report

1. Thriving City/One City

The Executive has set in motion a process through “Thriving City” which is engaging with local businesses, training providers and council teams to examine where judicious investment of resources could act to see York through the ‘credit crunch’. A key priority is to maintain the high levels of employment that we have come to expect in the city.

This report is part of the ongoing work to show that the City of York Council is taking a leadership role for actions that it can deliver towards the citywide response to the downturn in the national economy. There does need to be a clear understanding of what can be achieved by the Council, and those areas where there will need to be a collaborative approach through the Local Strategic Partnership, Economic Development Partnership, Business Forum, Retailers Forum and other partnerships which exist in the city.

The council is looking to match the £50,000 investment from Norwich Union to set up a scheme to support new business set up in York. A further £100,000 could be drawn from York Business Development Ltd, and York Professionals are in the process of seeking £50,000 of matched investment which will be delivered through business advice and guidance. Thus £50,000 investment from the Council could be turned into £250,000 through working with partners for the benefit of the city.

Progress has been made with the Kingsway West Project, and there will shortly be services brought into the community covered by the Super Output Area with doorstep and other activity to alert residents to the assistance that is being offered by a wide range of council departments, and partner agencies.



Business Forum Launch at the
National Science Learning Centre,
York University 08/10/08

The launch of the Business Forum on 8th October has been well received by businesses in the city, and it is important that the momentum of that initiative is

maintained. As identified in the report which came to Executive on 15th July in York the proportion of self employed people is set in York at 7.3%, against a national average of 9.3% (amounting to a 'shortfall' of between 2,500 and 3,000 in the city based on York's total employment). It is therefore important to ensure that all our pupils have training which includes business and enterprise so that this can help to develop the diversity of employment, and would address some of the findings of the Future York report. The proposals from the Executive would ensure that all of our Year 9 pupils had access to Enterprise Training through the "Green Griffin" project.

Many residents who are unable to access high street bank loans face the prospect of very high interest rates. Consolidation of existing debt presently accounts for 31% of all York Credit Union loans. The need for such support through their services is only likely to increase in the present economic climate.

The Executive considered plans to provide three new Community Savings Points in those areas of the city where the Credit Union's services are most needed (and in addition to the existing point at the City Council Finance Centre in Library Square).



The newly published annual competitiveness index named York as the 11th most competitive city in the country, which represents a rise of 32 places from 2006.

The council spends approximately £100 million per year in the discretionary purchasing of external goods and services. EU procurement legislation prevents the council from positively discriminating in favour of local suppliers, but does work to promote the availability of contracts with them and ensures that there is full visibility of tendering opportunities. The procurement team has been in contact with the Chamber of Commerce to ensure that local businesses are aware of this facility, and are equipped to take advantage of tendering opportunities.

The booklet "York on a budget" is being revamped to include a wider range of helpful information and contacts, and it is proposed to produce 20,000 copies for York residents. This will help inform on money saving, how to budget, dealing with debt, and inform on the range of assistance and services available (such as Future Prospects and the Credit Union).

The council is supporting projects like the Minster Quarter, the launch of which saw a world premier for Sir John Tavener's composition the "Two Hadiths" at York Minster. By promoting York's specialist shops the retail sector can capitalise on York's unique selling points.

2. Efficiency

The council is taking steps to drive up energy efficiency, and generation of renewable power which was included in the outcome of the first performance review. This is putting in to operation the plans from the Carbon Management Programme agreed earlier in the year.



Wood pellet silo for Acomb Library



Wind Turbine eco Depot



Eco Business centre Clifton Moor heated by Ground Source Heat Pumps.



Improved roof insulation York High School (re-furbished from former Oaklands building)

3. Joint Needs Assessment.

In September the Joint Strategic Needs Assessment for York was presented to the Executive which has been a thorough review of the Health Needs for the City and where we are going.

The age profile of the city's population will change in the period 2006-2020 with over 40% increases in the 70-74 years and 85 years+ age band which will have a significant impact on public services. Over the same period the ethnic mix within the city will change, and the council is taking steps to make sure that the support, prevention and treatment services are available to all. The current figures for older people helped to live at home per 1,000 population, aged 65 or over, was 87 in

2006/07 which is above the national average and helps to explain why York had a lower than average admission rate to permanent places in residential or nursing care.

The Executive is committed to ensuring that no community within York misses out from the economic success of the city, and the report identified that whilst the number of Super Output Areas in York which rank nationally in the bottom 20% in terms of deprivation has reduced from 11 to 8 in the period 2004 to 2007, there is one still in the bottom 10% of the country. This area is benefiting from the "Kingsway West Project" which is a multiagency response team looking to work with the local community to improve the opportunities, skills and employment levels in that area with lessons that can be replicated in other parts of the city. Figures from the Office of National Statistics recently revealed that 12,460 residents in York earns £13,197 annually or less, with £13,400 being the level at which people are deemed to be able to afford a basic quality of life.

In Education terms 67.5% of key stage 4 pupils achieved 5 or more A*-C grades at GCSE. This is significantly higher than the England average of 60% and York was ranked 12th highest in the England which is a tribute to the efforts of pupils and staff in the city.

Access to NHS Dentists is still a major problem 48% of adults and 68% of children in the North Yorkshire and York PCT were seen by NHS dentists in the period up to December 2007, this is lower than the national average of 49% and 70% respectively. Access to NHS dentistry is a consistent theme of PALS (Patient Advice and Liaison Services) enquiries.



Equality of provision of PCT services with other parts of England are difficult with the reduced per capita allocation of funding compared to other regions.

A fund of £10,000 has been established at promoting independence and wellbeing for York Residents. Groups will be able to apply during the course of the year for grants up to £1,000 which may be used to establish new day clubs, to set up leisure activities aimed at older people, or to provide low level health related activities.

4. Cycle City

Following the successful application to Cycle England York was selected to be a demonstration cycle town. Officers were thanked for their work in attracting funding which will see £3.68 million allocated to York over a two and a half year period. York has a high level of cycle usage, yet compared with continental Europe (or looking back to York's industrial heritage) there is more that could be done to increase this still further. Clearly the level of traffic is a deterrent, but in order to understand what would encourage residents who don't currently cycle to make the change. Clearly if a significant number of people can be persuaded to leave their car at home, and use this more environmentally friendly transport then they will not only be healthier, but their bank balance will be healthier too. There will be a consultation delivered to every household, and also on-line at;

http://www.york.gov.uk/consultation/consultation_Dtl.aspx?consult_Id=140&status=2&criteria=1

Indicative priorities include the 'Sub Station to Hub Station' at Wellington Row in conjunction with BikeRescue, free bikes to pilot schools, starting work on filling gaps in the network (Blossom St/Clifton Bridge/Fulford Road), Bike maintenance courses, joint work with the police on bicycle security (see below), and new maps. Encouraging more people to cycle is a key component of our strategy to reduce congestion on our roads.



5. Outer Ring Road

Traffic congestion is seen as a key priority of York residents measured in surveys, and the Executive has been working with officers to develop Access York 1 and Access York 2 to improve transport within the city. The latest phase has been to examine the cost effectiveness of options to improve the Outer Ring Road, and based on this evidence to promote to the Regional Transport Board the option which is most likely to bring forward funding for the city. The entire budget of the RTB for the period up to 2018/19 is £400 million to cover the whole region, therefore it is understandable that with estimates of dualling the ring road as coming in at £264 million at 2014 prices this would be unlikely to succeed.

The only options likely to gain central government funding involve improvements, at grade, to junctions along the ring road (basically bigger roundabouts). There is an outside chance that dualling the section between Wetherby Road and the A19 may cost in, but there would be a chance that such a scheme would fail the cost benefit assessment which is undertaken at regional level.

Critically the consultants have pointed out that local taxpayers will have to bear at least 10% of the costs of any upgrade. For a full dual carriageway design this could be in the order of £26 million. Assuming that the whole of the Councils transport budget was devoted to the scheme over a 4 year construction period then this would still leave over £14 million to be funded by Council Taxpayers. This would be the equivalent of a 28% increase in Council Tax levels.

The dualling of the whole of the northern by pass is neither affordable under present rules nor would it be likely to receive regional and national endorsement when compared to other bids for transport funding.



More junction improvements could be achieved like the Moor Lane roundabout.

However the report also concluded that it is imperative that major improvements are made particularly to the Wetherby Road to the A19 section in order to facilitate the economic growth that the York North West development will bring to the City. Coupled to grade level junction improvements a complementary package of measures to encourage the use of non car modes of transport is also supported. The list included:

- Reallocation of road space to cyclists and pedestrians, particularly at junctions to remove pinch points on the cycle network in accordance with the principles of the Cycling City status, and generally improve the walking environment.
- Provision of bus priorities on remaining routes e.g. A19 Shipton Road
- Expansion of the bus stop infrastructure programme
- Provision of sections of an Orbital bus route (including interchanges)
- Orbital Cycle Route adjacent to Ring Road (Strensall Rd to Wigginton Rd)
- Improved/additional pedestrian/cycle crossings over the Ouse
- Access restrictions to certain areas/routes.
- Extension to the 'footstreets'
- Expansion of 'virtual bus priority' using Bus Location and Information Sub-System
- Further development of demand management measures, such as Urban Traffic Management Control system to lock-in benefits of reduced traffic.
- Other improvements to ease the flow of public transport.

6. Waste Minimisation and Waste Strategy

The Executive approved a target for Household Waste Recycling of 50% to be achieved by December 2010. This will be achieved through a three phase roll out of kerbside collections across the city, spreading alternate weekly collections (based on the Groves Pilot) and measures to improve the performance of existing recycling schemes to maximise collections. There will be feasibility reports on food waste

collections, local business recycling, a wider range of plastics to be collected, and doorstep collection of materials like batteries and CDs. A new Minimisation Strategy was also adopted by the Executive.



7. Attendance Reports

The attendance management update showed that since October 2007 there has been a reduction in absence equivalent to a £1million saving of staff time. The new contract for Occupational Health is with York Hospital Foundation Trust and has already seen further improvements to the service.

8. Transforming Community Transport Services

The Executive has taken a keen interest in the partnership working on Community Transport Services with an aim to improve efficiency, and full utilisation of council vehicles. This has ensured that a service which is currently overspending its budget by £281,000 per year, will be brought into budget, and produce annual savings of just over £1/2 million a year by 2010. In the light of rising fuel charges this has been an important exercise to protect future council resources for community services rather than being consumed in fuel costs. It also links with the Council's commitment to reduce carbon emissions.

Key to the operation has been the need to closely engage with customers, users and their families of the range of council transport systems. This is an aspect which needs to be ongoing, and in the case of the Dial-a-ride service the Executive will receive more information on the changes to timings of services. The service is also an item for consideration by the Review Reports agreed by all party leaders at the start of the municipal year. This will have specific regard to the links with remote /rural communities

9. Headquarters

The Executive received a report which detailed the opening up to competition of the Headquarters project. This will ensure that there is a test of the value to the public

purse of the final option which is decided upon. Consultants reviewed the data for new proposals that have emerged over the last four years since the exercise was first done. As some residents may feel that an out of city centre option would result in a cheaper solution, this was reviewed again.

Key components remain that the project will not exceed the budget that had been agreed in June 2008 of £43.8 million for the whole project, and could, under current economic circumstances, come in at a lower price.

The key driver for the Headquarters Project remain – a scattered series of offices housing council departments with all the problems that creates for staff, and residents in contacting the council. The residents of the city deserve a building which meets their needs effectively, and this can be achieved with a saving of council resources which could be utilised in service delivery. This is not a process that can be rushed, as there does need to be careful consideration of options that have become available since the project was started 4 years ago. The changed situation in the building industry will also have a bearing on potentially reducing costs.

The key project benefits are:

- Rationalisation of the council's current administration accommodation portfolio which is anticipated to cost over £140m over the next 30 years.
- A fully integrated York Customer Centre providing customers a single contact centre to enable all services to be accessed in one place, quickly, simply and effectively.
- A modern office environment, which supports an open interactive culture and facilitates flexible working styles, aids recruitment, staff retention and contributes toward reducing staff absence.
- Compliance with current legislation in terms of Disability Discrimination Act in providing buildings and services that are accessible to everyone.
- An accommodation solution that is sustainable in terms of economic, social and environmental impact, supported through three main targets: A score of "Excellent" under the British Research Establishment Environmental Assessment Model (BREEAM), to better Building Regulations CO2 emissions requirement by 30% and to include 20% on site renewable energy generation.
- A building that is effective and efficient to enable the delivery of excellent customer services and unlock the efficiency gains identified as part of the Gershon agenda.
- Inward investment to the city to a value approximately £50m.
- The opportunity to release a number of important historic buildings, for example, St Leonard's for restoration and more appropriate use.
- Contribute towards the Council's overall value for money assessment.

The work that has been done by RMJM to develop options on the Hungate site since the withdrawal of the planning application has been done at their own expense. The designs that have been developed have more external walls by being a number of distinct buildings effectively joined together, and as such would cost more to construct.

If we are to properly assess the new options, and their attributes (value for money, accessibility, sustainability) then we need to maintain a benchmark against which to make these judgements. Due to procurement law, in order to develop options other than the Hungate site we will need to develop a competition. This process will create an element of competition which would be to the benefit of council tax payers in

developing the best final option. Officers are being required to work within the budget agreed at the Executive on 17th June 2008. There was not the option to go to procurement earlier as there needed to be viable alternative options, which is now the case.

The Executive approved a procurement process, and the appointment of the Director of City Strategy as Project Champion.

Andrew Waller

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MEETING	EXECUTIVE
DATE	7 OCTOBER 2008
PRESENT	COUNCILLORS WALLER (CHAIR), STEVE GALLOWAY, SUE GALLOWAY, MOORE, REID, RUNCIMAN AND VASSIE

PART B - MATTERS REFERRED TO COUNCIL

94. CAPITAL PROGRAMME - MONITOR ONE

[See also under Part A minutes]

Members considered a report which presented the likely out-turn position of the Council's 2008/09 Capital Programme, based upon information up to August 2008, and sought approval for any necessary alterations to or slippage on the programme.

The current approved programme amounted to £75.942m, of which £23.567m must be financed from capital receipts. An out-turn of £63.930 (a net decrease of £12.012m) was predicted on the approved budget, due mainly to delays on the Administrative Accommodation project. By the end of August 25% of the budget had been spent, as compared to 23% over the same period last year. In-year capital receipts were forecast to be down against target by £3.983m, primarily due to timing issues, with the majority of slippage expected early in 2009/10. The main achievements on capital schemes were highlighted in paragraph 8 of the report. Further details of progress in each directorate area, as reported to EMAPs, were set out in paragraphs 10 to 23.

The capital programme, as revised by the changes set out in the report, was summarised at paragraph 24 (table 11). Members' approval was sought for the revisions, including slippage. Attention was drawn the following shortfalls on specific projects:

- £100k on the Hazel Court scheme, due to the reduction in value of a significant capital receipt
- £154k on the 2008/09 Disabled Facilities Grant scheme, due to a lack of Right to Buy sales in the current financial year.

Members were asked to make a recommendation to Council to ensure that these shortfalls were funded from capital receipts.

Having noted the comments of the Shadow Executive on this item, it was

RECOMMENDED: That the shortfall on the Disabled Facilities Grant (£154,000) and additional works at Hazel Court (£100,000) be funded from capital receipts.

REASON: To enable the effective management and monitoring of the Council's capital programme.

A Waller, Chair

[The meeting started at 2.05 pm and finished at 2.55 pm].

MEETING	EXECUTIVE
DATE	21 OCTOBER 2008
PRESENT	COUNCILLORS WALLER (CHAIR), STEVE GALLOWAY, SUE GALLOWAY, MOORE, REID, RUNCIMAN AND VASSIE

PART B - MATTERS REFERRED TO COUNCIL

104. THRIVING CITY - REPORT BACK

[See also under Part A Minutes]

Members considered a report which provided a follow up to an earlier report on York's economic position, presented to Executive on 15 July 2008. It set out the findings of consultation with stakeholders and asked Members to consider options on further action and areas of investment.

Consultation had been carried out with organisations including, among others, the Citizens Advice Bureau, York Credit Union, the Federation of Small Businesses and the Chamber of Commerce, as well as relevant Officers within the Council. Generally speaking, York's economy was continuing to perform well. However some sectors, such as the construction industry, had suffered from the effects of the 'credit crunch' and there was a need to ensure that York's citizens were properly supported in the context of changing economic circumstances. At the first meeting of the Business Forum, held on 8 October, a significant consensus had been highlighted around the priorities for York's development. Ideas discussed included promoting the city 'offer' and refreshing the York 'brand' as a great place to work, invest in and visit.

Options for further action were set out in paragraphs 99 and 100 of the report. They included investment to:

- Help establish an enterprise fund for new business start ups (£50K)
- Support enterprise training within schools (£10k)
- Sustain the activities of the City Centre Partnership (£20k)
- Produce an updated 'York on a Budget' booklet (£3.5k)
- Provide three Credit Union community saving points (£9.8k)
- Recruit an additional CAB advice worker (£26.5k)
- Recruit someone to initiate and co-ordinate a smartcard scheme (£20k)

as well as the following strategic policy action:

- Formation of a cross-directorate anti-poverty and financial inclusion working group
- Enhanced economic planning through the ward committee function
- Pilot work to ensure better links between housing estate management services and benefits / financial inclusion work

and work to:

- Engage with partnerships to discuss the issues outlined in the report
- Explore (via Senior Managers Group / CLG sessions) how the Council can better link with citizens and businesses
- Support the proposal of the Business Forum to promote the York brand and City offer.

Having noted the comments of the Shadow Executive on this item, it was

RECOMMENDED: (i) That the following be funded from the Council's reserves:

- a) Match funding of the £50,000 provided by Norwich Union to establish an enterprise fund to support new business start ups;
- b) In principle support for enterprise training within schools to be developed with NYBEP and Young Enterprise up to £10,000;
- c) Support to sustain the activities of the City Centre Partnership up to £20,000;
- d) Investment of an additional £3,500 for production of an updated 'York on a Budget' booklet, with the booklet to be approved by the Economic Development Unit;
- e) Investment of £9,800 to provide three Credit Union community saving points in those communities most in need.

REASON: To respond to the impact of the changing economic situation.

A Waller, Chair

[The meeting started at 2.00 pm and finished at 2.50 pm].

MEETING	EXECUTIVE
DATE	18 NOVEMBER 2008
PRESENT	COUNCILLORS WALLER (CHAIR), STEVE GALLOWAY, SUE GALLOWAY, MOORE, REID AND RUNCIMAN
APOLOGIES	COUNCILLOR VASSIE
IN ATTENDANCE	COUNCILLOR LOOKER (for agenda item 7 – minute 118 refers)

PART B - MATTERS REFERRED TO COUNCIL

122. AMENDMENTS TO OFFICER SCHEME OF DELEGATION TO PROVIDE FOR AN OFFICER TO ACT IN THE ABSENCE OF THE CHIEF EXECUTIVE

[See also under Part A Minutes]

Members considered a report which recommended amendments to the Officer scheme of delegation in the Constitution, to allow one of the Directors to be identified as the Officer who would deputise for the Chief Executive in their absence.

The report asked Members to approve the amendments in so far as they related to Executive functions and to refer the report to Full Council for consideration of the amendments in respect of Council functions.

Having noted the comments of the Shadow Executive on this item, it was

RECOMMENDED: (i) That Council approve the amendment of the officer scheme of delegation, in so far as it relates to Council functions, to enable a member of the board of Directors of the authority, designated by the Chief Executive when they are absent from the authority.

(ii) That Council authorise the Monitoring Officer to make the necessary amendments to the scheme of delegation to give effect to the above recommendation.

REASON: To ensure that the Council is not left without a deputy when the Chief Executive is on scheduled leave or other business.

Action Required

Refer recommendations and report to Full Council on
27/11/08

GR

A Waller, Chair

[The meeting started at 2.00 pm and finished at 2.45 pm].



**Executive
Full Council**

**18 November 2008
27 November 2008**

Report of The Head of Civic, Democratic & Legal Services

Amendments to Officer Scheme of Delegation to Provide for an Officer to Act in the Absence of the Chief Executive

1 Summary

- 1.2 The existing constitutional arrangements at City of York Council do not provide for any other officer to exercise the delegated powers of the Chief Executive when the Chief Executive is absent or otherwise unable to act.. This could potentially lead to difficulties regarding decision making in the event that the Chief Executive were absent for an unforeseen circumstances or an extended period.
- 1.3 This report recommends that the officer scheme of delegation be modified to allow one of the Directors to be identified as the officer who will deputise for the Chief Executive in their absence.

2 Background

- 2.2 The existing officer scheme of delegation sets out the various powers delegated to the Chief Executive, the Directors and a number of other officers. The Scheme is divided into two categories the first of which provides general delegation common to all Directors and the second element identifies delegations for specific Directors and other officers.
- 2.3 The existing scheme results in the possibility that, in the Chief Executive's absence, no officer is delegated with the powers of the Chief Executive such as the power to act in an emergency or in a situation of urgency. In the absence of such delegated authority any such decision would have to be taken to the Executive, Executive Member or a committee of the council which would add additional delay.
- 2.4 In order to ensure that there is always an officer able to act with the full range of powers accorded to the Chief Executive, many authorities provide for another officer to act as deputy to the Chief Executive when they are absent. In such

cases the scheme of delegation provides that, in the absence of the Chief Executive, another designated officer may exercise the delegated authority of the Chief Executive.

3 Implementation

- 3.2 Subject to members approval of this approach, the amendments required are minor and can be effected with the addition of a paragraph within the Officer Scheme of Delegation at Part 3D of the Constitution.
- 3.3 The officer scheme of delegation contains powers delegated from both the Executive and from Full Council and, as such these proposed amendments require approval by both the Executive and Full Council. As such, the Executive is asked to endorse this recommendation and forward it on to the next meeting of Full Council.
- 3.4 It is recommended that the actual designation of an officer for this purpose should be a matter for the Chief Executive in consultation with political group leaders.

4 Implications

- 4.2 **Legal:-** Local authorities are required to maintain a constitution setting out the key processes and procedures which govern the decision making and regulation of that body. The ability to make and alter provisions with the constitution is dependent upon the nature of the provision. Some matters are dictated by statute and others may be decided at a local level, usually by full council or a committee specifically delegated for this purpose. In this instance the scheme of delegation concerns both executive and council powers and, as such, requires the approval of both limbs of the council.
- 4.3 **HR:-** There are no HR implications arising from this decision if implemented.
- 4.4 **Finance:-** There are no financial implications arising from this decision if implemented.

5 Recommendations:-

To Executive

- 5.2 In so far as they relate to executive functions the Executive approves the amendment of the officer scheme of delegation to enable a member of the board of Directors of the authority, designated by the Chief Executive, to exercise all the powers and functions of the Chief Executive when they are absent from the authority.
- 5.3 The Monitoring Officer is authorised to make the necessary amendments to the scheme of delegation to give effect to this recommendation.
- 5.4 The Executive refers this report to Full Council for consideration.

To Full Council

5.5 In so far as they relate to council functions, Full Council approves the amendment of the officer scheme of delegation to enable a member of the board of Directors of the authority, designated by the Chief Executive, to exercise all the powers and functions of the Chief Executive when they are absent from the authority.

5.6 The Monitoring Officer is authorised to make the necessary amendments to the scheme of delegation to give effect to this recommendation.

Author:
Author's name:
Quentin Baker
Title: Head of Civic Legal and Democratic Services

Chief Officer Responsible for the report:
Chief Officer's name: Quentin Baker
Title: Monitoring Officer

Report Approved *tick* **Date** *Insert Date*

Dept Name
Tel No.01904 551004

Chief Officer's name: Quentin Baker
Title: Head of Civic, Legal & Democratic Services

Co-Author's Name
Title
Dept Name
Tel No.

Report Approved *tick* **Date** *Insert Date*

Specialist Implications Officer(s)

Legal:- Quentin Baker
HR:-
Finance:-

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

All *tick*

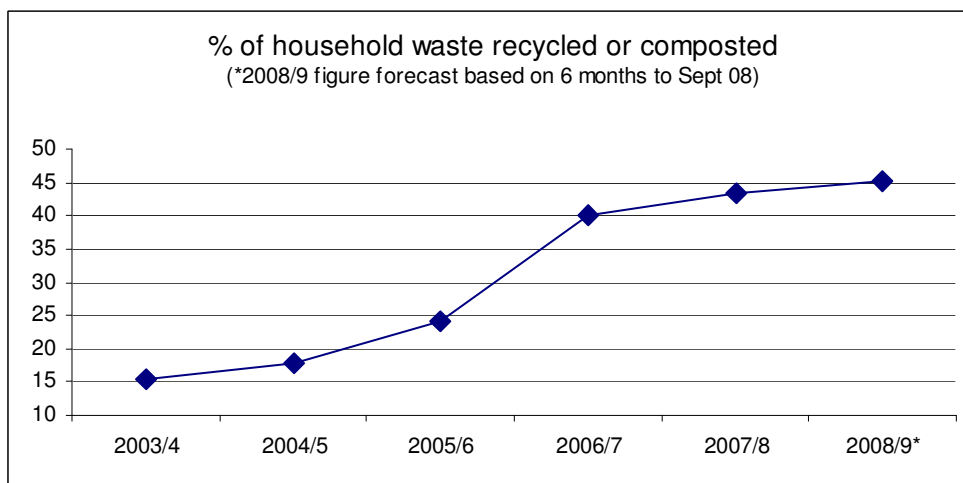
For further information please contact the author of the report

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NEIGHBOURHOOD SERVICES REPORT TO COUNCIL. NOVEMBER 2008

Since taking up my new portfolio in May I have spent time getting to know the Directorate's diverse services. My visits have ranged from Animal Health to Trading Standards, refuse collections to the Noise patrol. Everywhere I have been I have met dedicated Officers who are all trying to do their best to improve services to the residents of York. Although only created recently the directorate has already demonstrated it can deliver real results.

Waste Management. We have made great strides in encouraging and supporting our residents to increase their recycling. Residents have shown that they are keen to recycle to help the environment and Government fiscal penalties have made it an imperative for the council. Recycling and composting rates have risen steadily since 2003 putting us into the top quartile of unitary councils. We are also working to reduce the amount of waste that York produces. On average, in 2007/8 households produced 660kg of waste. The LAA Target for 2008/2009 is 640kg but we are forecasting an out-turn of 624kg based on the first six months' performance. The refreshed Waste Strategy coupled with the Waste Minimisation Strategy, recently approved, should help us to meet our challenging targets.

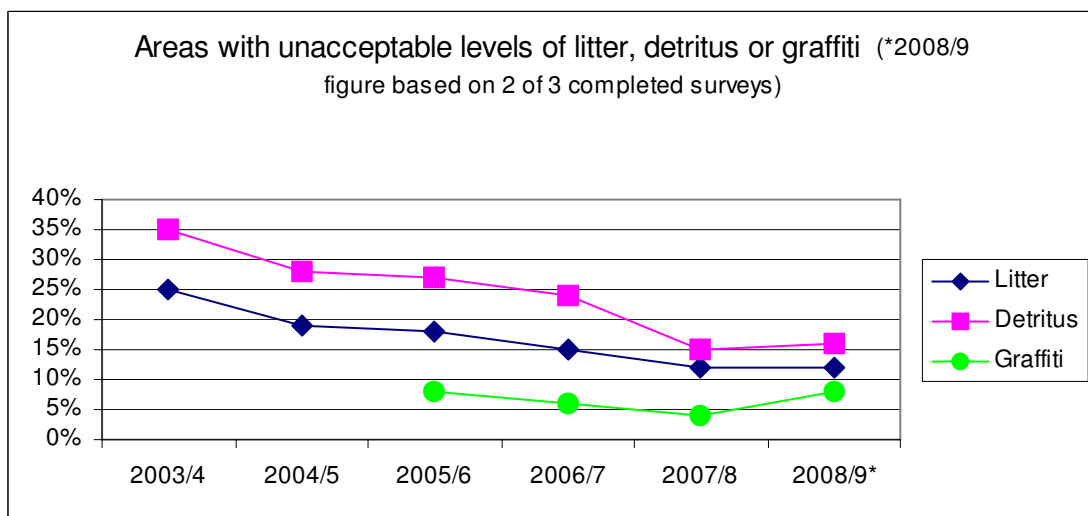


The next major step in helping residents to reduce, reuse and recycle their waste started in mid October with a pilot in the Groves area. This will help us to identify the best way to roll out kerbside recycling to terraced and flatted properties – the key next step in ensuring that all households can recycle at the kerbside by 2010. Initial results for the terraced properties in the trial are encouraging – with participation rates at 61% the first week rising to 67% in the second and over 2 tonnes of recycling currently being collected each week from less than 300 households.

Customer satisfaction with domestic waste collection dipped to 69% in 2005/6 when alternate weekly collections were introduced. By 2007/8 that figure had risen to 75% satisfied –among the best figures of those councils with alternate weekly collections.

The service has also worked hard to improve the quality of its customer performance. In 2006/7 we missed 78 bins per 100,000, but in the first 6 months of this year this rate has dropped to 44 per 100,000. When we do miss a bin, customers can report it more easily through the York Customer Centre and we now collect 96% of missed bins by the next working day (58% in 2006/7). In October, of the 164 missed bins 164 were put right in the target time (the end of the next working day), an amazing 100%.

Local Environment. In almost every ward residents have told us, through the ward committee and Neighbourhood Action Planning process, that the quality of their local environment is a priority. Since the creation of Neighbourhood Services we have made significant progress in improving the cleanliness of the city. The service now has the target of maintaining the improved level of performance seen in 2007/8.



A new approach to street cleansing was rolled out across York in Spring 2007. The key being that every street is swept and cleaned on a scheduled basis. Customer satisfaction is being maintained at around 70% satisfaction rate, above average for a Unitary council.

Graffiti has been a growing problem in the last year. Two years ago 25% of the city suffered from graffiti with that figure rising to nearly 60% in summer 2008. Additional resources have been invested to improve our response rate to graffiti removal and we have strengthened our joint work with local policing teams, setting up the Graffiti website. A number of offenders have recently been caught. October's cleanliness survey saw slightly lower levels of graffiti, which suggests that the problem may have peaked but the issue is being monitored.

Yorkshire in Bloom and other awards I was delighted that the directorate helped to harness a massive community effort this year to support the Yorkshire in Bloom entry. York achieved Silver Gilt for the second year running, with Northminster Business Park and Wheatlands Community Woodland receiving discretionary awards for the quality of their work. Many staff worked beyond the call of duty to achieve this great result.

In July, Environmental Health, Trading Standards, Licensing and Bereavement Services were awarded the government's Charter Mark for customer service excellence over 3 years.

The 'Air Quality Bulletin' publication judged our air quality website to be the best local authority site in terms of quality

Our efforts regarding the detection of spirit substitution in the licensed trade has been recognised again with a Silver Award from the International Federation of Spirit Producers.

Public Toilets A review of our public toilet provision is being carried out and detailed proposals are expected next March setting out options to improve our facilities. The survey has shown which facilities have the highest usage and therefore where we need to concentrate our resources. Surprisingly Bootham Bar are the best used in the City Centre. The new facility at Silver Street is on target to open next May. Not only will they be much easier to clean and maintain, they will provide better access for all users, including a changing place.

Housing Repairs The Building Maintenance department has been working with Housing Services on an innovative partnership approach in order to improve the repairs service we offer our tenants. In the first half of 2008/9 96% of urgent repairs were completed in time compared to 90% in 2007/8 and 72% in 2005/6, with the average time taken to complete non-urgent repairs dropping to 7.2 days against 8 days in 2007/8 and 13.9 days in 2005/6. Satisfaction among tenants with the overall repairs service reached 90% in summer 2008. The department also won the contract to service gas appliances in the eastern side of York and now services gas appliances in all Council homes.

Regulatory services Our Environmental Health and Trading Standards department is one of the most go ahead in the country. The teams undertake a range of under-age sales tests to see if retailers are selling items such as alcohol or cigarettes. Through a programme of business advice and enforcement, trading standards have reduced the level of illegal sales of alcohol to below 8% on test purchasing operations. This is down from 35% in 2005 when the new provisions of Licensing Act 2003 first came into force. The team has successfully bid to host a new regional 'Scambuster' team to tackle larger scale fraud cases that cross authority boundaries. The successful bid was worth £750k grant funding to run the team until March 2011. The team is now up and running, well ahead of anywhere else in the country.

The Environmental Protection Unit offers an out of hours noise nuisance service that many councillors will know is successful in tackling an issue of great concern to many residents. EPU has prosecuted and obtained 2

CRASBOs on persistent noise offenders in recent weeks. The Noise Patrol has now received over 2,500 calls from the public and made over 1,500 visits since it started in April 2006.

The "Cold Calling Zone" programme is proving very popular with residents and is designed to tackle the problems of doorstep crime for vulnerable people. So far residents in 69 streets are protected with a further 26 requests being currently processed.

In the last 12 months trading standards officers have used Proceeds of Crime legislation to obtain court orders for the recovery of over £320,000 of illegal money from defendants proven to have a 'criminal lifestyle' (almost £50,000 in costs of bringing these proceedings have also been awarded). In addition Members will be aware of the recent successful prosecution of a market trader for selling counterfeit clothing. The Judge imposed a fine of £91,005.27 plus costs and if the offender pays the fine (rather than opting for the 5 year jail term) the Council will eventually receive 10% to use for further anti-fraud work.

Neighbourhood Management. York's approach to participatory ward budgeting, joint ward planning teams, and the ongoing development of local prioritisation offered by the Neighbourhood Action Plans, was recognised earlier this year by ministers. Hazel Blears, Secretary of State for Communities and Local Government, announced in the summer that York has been chosen as a pilot authority for participatory budgeting. The Neighbourhood Management Unit has been working under significant staffing and resource pressures to continue to support the programme at ward level, and I would like to pay particular tribute to the team. 276 Ward committee sponsored local improvement schemes were delivered in 2007/8, and 354 schemes have been commissioned this year.

Directorate Issues Sickness absence and health and safety are the key organisational development priorities for the directorate's management team. In the first half of 2008/9 the directorate has lost 6.4 days per fte staff. While this remains higher than other directorates, it represents a 26% improvement on the position after 6 months in 2007/8. The forecast figure of 13 days lost per fte for 2008/9 will be a big improvement on figures of 15.5 last year, 16.8 in 2006/7 and 19.2 in 2005/6. I am pleased to support a more proactive approach with staff being offered help and support through one-to-one health checks and a drop-in Health Fair.

Health and Safety remains a concern. Directorate staff have suffered 15 RIDDOR (reportable to HSE) accidents in the first half of 2008/9. While none of these have been particularly serious accidents, this figure is still too high. However, significant groundwork has been done to influence the culture of the organisation which should eventually lead into a reduced accident rate.

Eco Depot The 15 KW Wind Turbine was installed in September 2008. Since then it has generated a lot of interest as well as enough electricity to boil 460 kettles (saving 300kg of CO₂). Since 1st December 2006 the solar panels have generated 80,477 kWh, enough to boil 47,902 kettles - saving 34,605 kg of CO₂.

In June, following a discussion with Officers, I agreed that a review of depot safety and security would be beneficial and an independent assessment was carried out by the Freight Transport Association in August along with an internal review following a theft in mid July. The review identified that uncontrolled access to the site needs to be curtailed. A temporary gatehouse has been put in place (capital bid has been made) and vehicle barriers will shortly be installed. This will ensure that access to the site is monitored and visitors made aware of the site's health and safety rules.

Hackney Carriages. The Authority is committed to raising standards of service provided by hackney carriages and a number of new initiatives have been introduced. Working in partnership with the Yorkshire Rail Academy and York College we have introduced a NVQ course in Road Passengers Transport. The course takes 80 hours and covers customer care for all passengers including disabled people and children. We have introduced a new standard livery, age limit on vehicles and higher emission standards and 99 of 173 hackney carriages now comply with the rest online to follow by June 2009. 15 new plates have been released to address the problems of unmet demand and they have all gone on to new purpose built vehicles which are wheelchair accessible and in the new livery.

In brief.

- £38k of funding obtained from DEFRA to investigate the former landfill sites at Fulford Cross.
- The Environmental Protection Unit (EPU) scored 98% in the recent inter-authority audit for the management of contaminated land in Yorkshire and Humberside.
- Healthy eating - the Food Unit ran a poster competition and quiz during food safety week. The team also spent three days at Hob Moor School during the York Food Festival holding interactive sessions with the children on hand washing (using a light box) and healthy eating. Officer also put on a stall at the childminders event in Rowntrees Park advising on personal hygiene and healthy eating.
- Approx 50,000 plants and bulbs have been planted across the cities parks, gardens and roundabouts.
- School cleaning - This years customer survey had a response rate of 77%, significantly higher than previously. The responses were positive with 92% of customers either satisfied or very satisfied with the standard of cleaning achieved within their school and a 97% satisfaction that N S understood their specific customer needs.

As I said at the beginning I have found all Neighbourhood Services staff dedicated to making a difference. Crematorium and Ancient Monuments carry out their duties with little fuss and little praise. The Crematorium provides a very dignified and sensitive service to residents at what is always a difficult time with staff in Bereavement Services also undertaking welfare funerals which ensures that everyone receives a proper service. We are now the only council that runs an ancient monuments team. In March 2008 the service agreed a partnering arrangement with City Strategy to maintain and repair the city's walls. This is a great recognition of the stonemasonry skills

and quality of the team. We work actively with York College to provide apprenticeship training opportunities and to ensure a long term ability to employ skilled stonemasons.

I would like to thank all the Officers in Neighbourhood Services for their hard work in establishing the Directorate over the last 2 years and for the welcome and support that they have given me over the last 6 months. The directorate faces an interesting few months with the departure of the Director in the New Year and the possibility of services transferring from other departments. I know that everyone will rise to the challenges ahead and continue to provide our citizens with high quality services they have come to expect from Neighbourhood Services.



Council

27 November 2008

Report of Chair of Scrutiny Management Committee

Update on Scrutiny Work since October Council Meeting and Recommendations relating to Review of Scrutiny Structure

Summary

1. This report is submitted by the Chair of Scrutiny Management Committee, in accordance with the constitutional requirements set out in Standing Order 4.3(l) to update Council on scrutiny work during the period of activity since the last Council meeting and to set out any recommendations such as may be made to Council in relation to that work.

Update on Scrutiny Work

Health Scrutiny Committee

2. Health Scrutiny has just completed a full review looking at the experiences of older people with mental health problems (and those of their families/carers) who access general health services for secondary care. The Committee's aim in doing this was to identify any potential improvements to practices. Councillor Fraser, as Chair of the Committee, will be presenting its final report to Scrutiny Management Committee for consideration in December 2008.
3. The Committee has also been doing much work on understanding its relationship with Local Involvement Networks (LINKs), which are independent but formally constituted bodies replacing the former Patient and Public Involvement Forums previously attached to NHS Trusts. In future, LINKs will be able to make referrals on matters to Health Scrutiny for investigation and so it is important that Members of the Committee understand the working relationship and share knowledge/experiences. It is considered that LINKs could be an extremely valuable source of gathering customer and patient information in the future.
4. The Committee has continued to show a keen interest in dental provision within the York area and recently had discussions with the Primary Care Trust about the way in which the PCT reported back on developments in dental care to the Committee. A further report will be received at a future meeting of the Committee.
5. The Committee has also just adopted a joint scrutiny protocol with other Yorkshire & Humber Health Scrutiny Committees to provide a framework for

undertaking joint reviews across authorities in relation to regional and specialist health services in accordance with the powers available to all local authorities under the Health & Social Care Act 2001.

Education Scrutiny Committee

6. This Committee has just completed a review of school governors with a view to improving the level of community involvement in governing bodies and developing diversity and skills. The final report was presented to the Executive on 18 November 2008, where the scrutiny recommendations were endorsed and the Executive Member for Children's Services undertook to monitor progress within the Directorate in relation to those recommendations.
7. Currently, the Committee is embarked upon a review relating to a further review of the extended schools agenda aimed at ensuring accessibility and a high quality of provision. Members have just scoped this review, setting out how they intend to carry it out.

Cultural Quarter Ad-hoc Scrutiny Sub-Committee

8. The work of this Sub-Committee continues in relation to achieving a long term direction for the area between the National Railway Museum (NRM), York Railway Station and the Minster. So far, the Committee has investigated a range of other cultural quarters and analysed its findings in relation to each. It has visited the cultural quarters in Gateshead and Newcastle. It has held a public information gathering session at the Minster, in York's proposed quarter and responses gleaned from that session will be considered at its next meeting.

Hungate Ad-Hoc Scrutiny Sub-Committee

9. The first meeting of this Sub-Committee took place on 18 November 2008 when it decided how it wanted to scope this review and who it needed to consult and involve in the process. Its purpose is to clarify whether the correct strategy for the accommodation project was set and adhered to and to ensure future similar projects are delivered on time and within budget. Members of the Sub-Committee are keen to gather information quickly for this review and have agreed a further half-day event on 26 November 2008 to gather information initially from appropriate parties.

Planning Enforcement Scrutiny Ad-hoc Sub-Committee

10. This Ad-hoc Scrutiny Sub-Committee has scoped this review and is currently in the process of gathering information with regard to finding ways of bringing enforcement cases to an earlier completion through reviewing the Council's approach to planning enforcement and court action.

Update on Work/Recommendations from Scrutiny Management Committee

11. Since the last update to Council, SMC has continued monitoring the implementation of previously agreed scrutiny recommendations and signed off those in relation to past reviews which it feels have been satisfactorily developed or implemented.
12. It has received an update on the work of and progress being made by Health Scrutiny as reported above.
13. Recently, it has also considered introducing a generic protocol for undertaking joint scrutiny reviews with other local authorities, in the light of a topic registered by Councillor D'Agorne relating to food security in response to recession and peak oil. A fellow Councillor at North Yorkshire County Council is also interested in a review of this nature and enquiries are currently being made about the possibility of a joint review. Further information and a feasibility study on this topic will be considered by SMC at its next meeting, together with a slight redraft of the protocol for undertaking this or indeed other joint reviews which may be forthcoming in the future.

Review of Scrutiny Structure

14. Lastly, but perhaps most importantly, the Committee has considered a report reviewing and presenting alternative options for a scrutiny structure in York. Members will already be aware a series of workshops were held on this in the summer. The full report is attached to this written report at Annex A for Members further information, in the light of the fact that SMC are making a recommendation to Council for consideration on this matter.
15. It is understood that Council Management Team considered this report prior to its submission to SMC and on balance felt that some change to the scrutiny structure in York would be beneficial to bring it more in line with practices in other local authorities and to improve the effectiveness of scrutiny in York, particularly with regard to its contribution to policy development. On balance, therefore, any views expressed by CMT were in endorsement of Option B outlined in the attached report, which sets out a model for introducing multiple standing scrutiny committees and removing existing Executive Member Advisory Panels (EMAPS)
16. Members of Scrutiny Management Committee (SMC) had a full debate on the principles behind a structural review and noted the requirement for some change, particularly the need to take account of forthcoming legislative changes relating to a wider involvement of and seeking of information from partners and also to the scrutiny of local area agreement targets.
17. It is fair to say that there were a differing views expressed about each of the options in the paper attached. Narrowly, the Committee expressed a preference for a more traditional approach to undertaking scrutiny and wished to recommend Option B in principle to Council with a view to a Sub-

Committee being set up by Council to consider the structural details and any necessary constitutional changes.

18. As usual the majority of this written report is for Members information in relation to the work of scrutiny. However, as Chair of Scrutiny Management Committee, I will also be moving the following recommendation to Council from the Committee in relation to reviewing the current scrutiny structure, as set out in the Part B minute attached at Annex B to this written report:

“That Option B be adopted and a Committee of Council be formed to consider the detailed implementation of this model and the constitutional changes required.”

Councillor John Galvin
Chair of Scrutiny Management Committee

Annex A – report to SMC on 17 November 2008

Annex B – Part B minute and recommendation to Council.

Scrutiny Management Committee**17 November 2008**

Report of the Head of Civic, Democratic & Legal Services

Review of the Council's Overview and Scrutiny Function**Summary**

1. This report sets out the findings to date of a project, undertaken by officers within the Democratic Services Team, to review the existing arrangements at City of York Council (CYC) for fulfilling the legislative requirements for facilitating Overview and Scrutiny within the council. The project has been given added impetus by the recent findings of the Audit Commission which identified aspects of Overview and Scrutiny at CYC as being capable of improvement. As a result, CMT identified reviewing the scrutiny structure as one of its single improvement priorities.
2. The report considers the existing arrangements at York in the light of recent research and experience from other authorities. The report seeks to highlight some key areas of variation and, having identified that there may be potential for improvement, goes on to present potential alternatives to the current scrutiny structure within City of York Council.
3. In light of the findings of the CPA inspection earlier this year and further to scrutiny being identified by CMT as a single improvement priority, Scrutiny Management Committee is asked to consider a revised structure, in order to simplify the existing arrangements by bringing them more in to line with other authorities and to make more effective use of the limited resources available.

Background

4. The current legislative framework concerning Overview & Scrutiny was introduced alongside the introduction of new constitutional arrangements in 2001. The new legislation was accompanied by comprehensive guidance that set out the underlying purpose of Overview and of Scrutiny. The guidance also emphasised the distinct aspects of Overview and Scrutiny, that of developing and reviewing policy, (overview) and that of holding the Executive to Account (scrutiny) There is some crossover between these two elements and they may both occur in the context of any one scrutiny topic, but the general distinction between these two functions is helpful when analysing the sorts of structure required to support them. The following is an extract from the DTLR Guidance:-

3.17 Overview and scrutiny committees should be a key mechanism for enabling councillors to represent the views of their constituents and other organisations to the Executive and local authority and hence to ensure that these views are taken into account in policy development.

3.18 *These committees are the main way by which the executive is held to account in public for the discharge of the functions for which it is responsible. They should have important roles in reviewing the local authority's policies and other matters of more general local concern and making recommendations, either to full council or to the executive, on future policy options.*

5. Section 21 of the Local Government Act 2000 (LGA 2000), lays down the requirement that an authority's constitution *must include at least one committee that is charged with the functions of Overview and Scrutiny within the authority and empowered to effectively undertake that role. Authority's are required to have regard to the Statutory Guidance issued by the Secretary of State¹. The functions are set out at length in the legislation but are put more succinctly in the guidance as follows:-

- Review or scrutinise decisions or action taken in respect of any functions which are the responsibility of the Executive; (call-in)
- Make reports or recommendations to the local authority or the Executive in respect of any functions which are the responsibility of the Executive, (Overview);
- Review or scrutinise decisions or action taken in respect of functions which are not the responsibility of the Executive;
- Make reports or recommendations to the local authority or the Executive in respect of any functions which are not the responsibility of the Executive; and
- Make reports or recommendations to the local authority or the executive in respect of matters which affect the local authority's area or its inhabitants.

6. The guidance on the establishment of Overview & Scrutiny committees includes the following:

'Overview and Scrutiny arrangements should be set out clearly in the executive arrangements as part of the constitution to ensure it is clear which committees are responsible for overseeing which functions and policy areas i.e. the remit and terms of reference of each committee.' (para 3.22).

7. It is arguable that there is scope for improvement in this regard as the present arrangements are somewhat convoluted and anecdotal evidence suggests that there may be confusion as to the roles of Executive Member Advisory Panels and Overview & Scrutiny Committees.

8. Other specific legislative requirement include the following:

¹ DETR New Council Constitutions: Local Government Act 2000 Guidance to English Local Authorities.

- S.21(5) requires that any member of an Overview & Scrutiny committee is able to put any matter, within the remit of their committee, on to the agenda of a meeting of that committee.
 - S.21(9) provides that a member of the Executive of an authority may not be a member of an Overview & Scrutiny committee. This may preclude Executive Member Advisory Panels from undertaking functions of Overview and Scrutiny as they include members of the executive.
 - Overview & Scrutiny committees are subject to the political balance requirements under S.15 LG&H Act 1989.
9. Unlike other committees, Overview & Scrutiny committees have the statutory power to require members of the Executive and officers, to attend before them and to answer questions. There is an associated statutory duty on the Executive member or Officer, to comply with the request and to answer questions put. S.21(13) & (14).
 10. Regulations require the inclusion of church and school governor representatives on Overview & Scrutiny committees dealing with education functions. Subsequently these committees have been given limited powers in connection with the overview and scrutiny of health and social care bodies within their authority's area.
 11. New provisions under the Local Government and Public Involvement in Health Act 2007, currently awaiting enactment, are intended to strengthen overview and scrutiny arrangements in light of changes to executive arrangements which will extend the scope of executive powers. There will also be a new right for any member of the authority to require that an issue relating to a local government matter affecting their area, must be put on an agenda of the relevant Overview & Scrutiny committee. Additional powers will be available for the relevant committee to require information from certain partner public bodies.
 12. Provisions included in the Police & Justice Act 2006 will, when enacted, require that local authorities designate one of its Overview & Scrutiny committees to deal with issues relating to local crime and disorder.

Rationale for Review

13. In the light of critical comments from the CPA inspection earlier this year about the effectiveness of scrutiny in City of York Council and of a perceived organisational malaise towards the function generally, it was recognised that the current scrutiny structures and processes would need to be reviewed and CMT itself identified reviewing scrutiny as a single improvement priority for the Council, led by the Chief Executive. CCfA was due to go live on 1st April 2008, but was put on hold due to the Flanagan Police Review, resulting in it existing in law but not in practice. Since then, there has been a shift in focus from 'Councillor' empowerment to 'Citizen', so until the Empowerment White Paper comes out, it will not be clear what direction the 'Call for Action' is going to take. The current view is that it is likely to be more akin to the original Home Office model which was based on the RESPECT agenda.
14. Reviewing scrutiny structures now also provides an opportunity to ensure that the scrutiny function is equipped to meet the challenges of the new Local Government

& Public Involvement in Health Act, with specific regard to enhanced opportunity to local authorities to engage the involvement of key partners/local service providers in the review process, and with regard also to the Councillor Call For Action (CCfA) provision.

15. In addition, it is timely to address the requirements of scrutinising the new CAA (formerly Local Area Agreement) and of any specifications emerging from the forthcoming White Paper on 'Empowering Communities', in terms of dealing with petitions through scrutiny and setting up joint authority reviews.

Consultation

16. During the summer, a series of workshops were held for Members at which they explored the rationale behind scrutiny, received and commented upon information relating to current practices in CYC, scrutiny structures at other local authorities and some potential alternative options for York.
17. In total, 25 Members attended these workshops from across all parties and their views were sought on the current scrutiny structure in York and on the range of potential alternatives put forward for debate.
18. An earlier version of this report was presented to CMT prior to the workshop sessions, for information only, and it was then re-presented to CMT on 5 November to include the information gathered at the workshops. The collective views of all consultative groups will then be fed into the report going to Council on 27 November 2008.

Information Gathered

19. The Department for Communities and Local Government, has recently completed a five-year evaluation of the new council constitutions and ethical framework. The project, called 'Evaluating Local Governance'(ELG), looked closely at the legislation and its effectiveness in relation to scrutiny and found evidence of improvements in scrutiny's organisation and activities, with 76% of scrutiny committees using scrutiny to explore innovative forms of service delivery. It was clear from the findings that many authorities had found it difficult to find the right balance between policy development and scrutiny and overview, and it was recognised that successfully bringing about policy change was an important measure of the effectiveness of scrutiny committees. There was also good evidence that scrutiny made a valid contribution to executive decision-making especially in relation to policy development and performance review (Stoker et al. 2004: 60).
20. The Centre for Public Scrutiny (CfPS) recently completed its fifth annual survey of overview and scrutiny in local government, providing the most comprehensive national picture available of useful trend information, charting the development of overview and scrutiny within the context of other changes to the work of local authorities. This included the passing of the Local Government and Public Involvement in Health Act 2007 and its consequent implications for those who conduct and support local democratic accountability. The response rate to the survey equalled that of 2006, in that 63% of all local authorities in England and Wales responded.

21. The survey found that variation in committee structures used for the overview and scrutiny function had remained relatively stable over the last three years:

Committee Structure	2007	2006	2005
Multiple overview and scrutiny committees (<i>as in York</i>) (need to check with CfES as to their methodology as I think that this category may refer to standing committees which is different to CYC arrangements)	65%	54%	59%
1No. OSC that commissions time-limited panels	17%	12%	14%
1No. OSC that does all the work	7%	8%	7%
1 scrutiny committee and multiple overview committees	12%	8%	16%

22. This pattern of distribution was similar across a range of variables, including types of authority, constitutional model and political control.

23. The survey identified three model types used by Authorities to support overview and scrutiny. These were:

- **Committee Model** – where committee officers, who also support other political forums, such as the executive, provide support to the full council and so on.
- **Integrated Model** – where support is provided, on an ad-hoc basis, from a variety of sources, including committee services, officers within departments, and corporate policy officers
- **Specialist Model** – support is provided by a scrutiny support unit/team with dedicated officers, who only work to the overview and scrutiny function

24. The breakdown for Councils operating these model types are shown below:

Authority Type	Committee Model	Integrated Model	Specialist Model (<i>as in York</i>)
All Authorities	28%	13%	59%
District/Borough	39%	17%	43%
County	17%	8%	75%
Unitary	23%	9%	68%
Metropolitan	21%	4%	75%

25. The survey results showed a sharp increase in most councils using the specialist model and moving away from the integrated model. It also identified which department scrutiny officers or teams were located within, the most popular being within the Democratic Services department. The split was as follows:

Location of Scrutiny Support	%
Democratic Services (<i>as in York</i>)	49%
Chief Executive's	23%
Policy & Performance	14%

Audit	2%
Corporate Services	4%
Other	8%

26. In order to compare the effectiveness of our current structure, comparative information was gathered and assessed on scrutiny structures in other local authorities of similar size, political management arrangements or others with unitary status, as well as those of good repute in the scrutiny field.
27. It was recognised therefore that the committee structure, model and location of scrutiny services in York already complied with the most commonly applied practices elsewhere. However paragraphs 28 – 39 below demonstrate that York has not to date adopted a scrutiny and decision making structure consistent with the practices of other local authorities, and furthermore York's structure is not replicated anywhere else in the country.
28. Scrutiny Structures At Other Local Authorities
Information on 10No. other local authorities was gathered and from those, 4 models were identified as worthy of consideration:

Council	Political Management Arrangements	Scrutiny Structure
Hull City	Unitary Hung (Lib Dem) 59 Cllrs: Lib Dem 30 Lab 20 Hull Ind 6 Con 2 Ind 1	<ul style="list-style-type: none"> • Overview & Scrutiny Committee: 'Call-in' and final reports from 6No. Overview & Scrutiny Commissions: • Corporate • Environment & Transport • Financial Management & Audit • Health & Social Well-being • Housing, Neighbourhood Renewal & Urban Regeneration • Lifelong Learning, Culture & Leisure
Sheffield (4* CPA rating)	Metropolitan Borough Hung 84 Cllrs: Lab 41 Lib Dem 39 Green 2 Con 1 Ind 1	<ul style="list-style-type: none"> • Scrutiny Management Board: co-ordinates and manages the overall scrutiny programme, and decides how to deal with urgent new topics or those which fall within the remit of more than one scrutiny body (made up of Chairs & Vice-Chairs of Scrutiny Boards) • 5No. Scrutiny Boards can hold enquiries and investigate the available options for future direction in policy development: <ul style="list-style-type: none"> * Children & Young People * Culture, Economy & Sustainability * Health & Community Care * Strategic Resources & Performance * Successful Neighbourhoods • Based on the subject, cabinet decisions which are called-in are dealt with by the relevant Scrutiny Board

		In December '07 awarded maximum rating of 4 for CPA
Leicester City	Unitary Majority Administration 54 Cllrs: Lab 38 Con 8 Lib Dem 6 Green 2	<ul style="list-style-type: none"> • Overview & Scrutiny Management Board: oversees scrutiny process and directly scrutinises policy or service changes. Decides on issues for Task Groups. • Performance & Value for Money Select Committee: scrutinises performance delivery within the Council and its partners. Includes monitoring efficiency, scrutinising the annual budget setting and identifying areas for more in-depth work for the Task Groups to investigate. • Health Overview & Scrutiny Committee • 4No. Ad Hoc Task Groups - meet when necessary to investigate issues in-depth, as directed by the Overview & Scrutiny Management Board and the Performance & Value for Money Select Committee: <ul style="list-style-type: none"> * Adult & Housing Task Group * Culture & Leisure Task Group * Community Cohesion & Community Safety Task Group * Children, Schools & Young People Task Group
Peterborough	Unitary Majority Administration 57 Cllrs: Con 43 Peterborough Ind. Forum 9 Lib Dem 3 Lab 2	<ul style="list-style-type: none"> • 1No. Scrutiny Committee – oversees and co-ordinates scrutiny function and allocates responsibility for issues which fall between one or more scrutiny panel • 5No. Scrutiny Panels (query whether these are standing panels or ad-hoc?): <ul style="list-style-type: none"> * Health & Adult Social Care * Business Efficiency * Children & Lifelong Learning * Community Development * Environment & Community Safety <p>Each of the above manages its own work programme and reports directly to the Cabinet The Scrutiny Panels can create Scrutiny Review Groups to carry out specific reviews. (Query whether the chairs of the Scrutiny committee or the panels may be from the party forming the executive)</p>

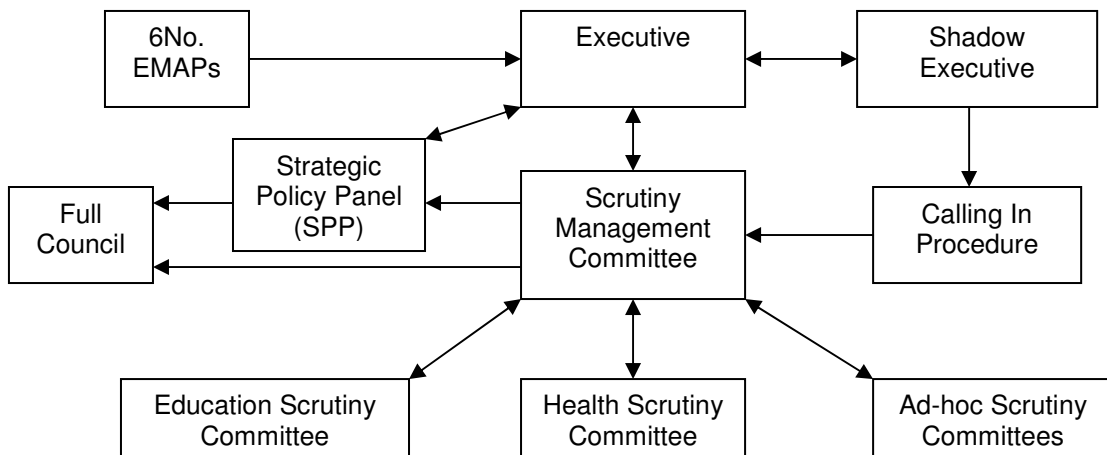
29. Each of these was looked at in detail and the delegated powers for the various committees listed above are detailed in Annex A.

Analysis

30. In relation to the functions set out in their terms of reference, each of the above four council scrutiny structures have designated the same powers to their scrutiny committees, in line with legislation i.e.:
- To assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues
 - To question members of the Cabinet and other Bodies, and chief officers about their views on issues and proposals affecting the area
 - To review and scrutinise the decisions made by and performance of the Cabinet and, as appropriate, the Regulatory Boards and Council officers both in relation to individual decisions and over time
 - To question members of the Cabinet and other Bodies, and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
 - To review and scrutinise the performance of the Council in relation to its policy objectives, and monitoring finance and performance targets and/or particular service areas
31. In regard to consultation and the scrutiny of public bodies they can:
- conduct research, community and other consultation in the analysis of policy issues and possible options
 - consider and implement mechanisms to encourage and enhance community participation in the development of policy options
 - liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working
 - review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Board and local people about their activities and performance
 - question and gather evidence from any person, with their consent
32. Finally, each of their Scrutiny Committees is responsible for:
- exercising the right to call-in for reconsideration, decisions made but not yet implemented by the Cabinet in relation to their own specific areas of work (with the exception of Peterborough City Council, where only the Scrutiny Committee can exercise the right to call-in).
 - exercising overall responsibility for the finances made available to them
 - exercising overall responsibility for the work programme of any Officers specifically employed to support their work
 - reporting annually to the full Council on their workings and agree future work programmes and amended working methods if appropriate
33. Existing Scrutiny Arrangements In York
Currently, the two distinct elements of Overview & of Scrutiny i.e policy development and review, and holding the Executive to account, are currently being undertaken in a number of places:

Scrutiny	Strategic Policy panel (SPP) Shadow Executive
Overview	6No. EMAPs
Overview & Scrutiny	Scrutiny Management Committee (SMC) inc Call-In Education Scrutiny Committee Health Scrutiny Committee Ad-hoc Scrutiny Committees

34. The diagram below shows the current committees involved in the scrutiny function and the flow of business:



35. Scrutiny call-in is restricted to SMC but in addition, under the CYC constitution, SPP has a duplicate call-in power which can be exercised at the request of any Group Leader whose group holds at least ten per cent of the seats.

Analysis

36. A significant level of support is required, both in terms of officer and administrative resource, and members' time involved in preparing for and attending these meeting, as a result of the number of committees undertaking the O&S functions within the Council. Given the limited resources available to support the function there may be an argument to be made for more targeted use of this resource.
37. One significant difference between the current arrangements in York and other local Authorities is that in York both the setting and spending of budgets and the monitoring of finance and performance is carried out by the EMAPs. Whereas elsewhere the monitoring of finance and performance is a function of scrutiny
38. In York some overview and policy development work is undertaken at EMAPs (as evidenced in Annex B), which undermines good scrutiny practice as recommended by DTLR. Furthermore, due to the way that EMAPs currently operate, it is often not publicly clear at meetings who the executive member is and who is responsible for making the decision.

39. Workshop Findings

At the workshops held for Members, a range of views were expressed on our current structure but it is fair to say in summary that there was a general perception across all parties as follows:

- there is confusion about the status of scrutiny within the organisation and the role it plays, as a result of a combination of the following:
 - a. inadequate structural arrangements
 - b. lack of officer/Member engagement and commitment
 - c. political interference
 - d. lack of officer/Member resources
- that EMAPS were undoubtedly informative but debatably time consuming and resource intensive both in Members and officers time and also in relation to the volume of paper produced and circulated. Some backbench Members questioned:
 - i. whether attending EMAPs was a valuable use of their time on the basis that Executive Members were in any event constitutionally empowered to make the decision;
 - ii. information provided in many reports submitted to EMAP could be done so in other ways to enable them to feed in their views, if necessary

39. In addition, there was some general consensus from those Members attending, on the following points:

- A clearer definition needed to be established between EMAPS and scrutiny generally
- What EMAP could do should be more tightly defined
- Officer/Member commitment to and engagement with scrutiny needed improving
- Preserving the transparency of executive Member decisions being taken in public or published to the same standards applied now.

40. Possible Alternative Structures For York

Having recognised that there are a number of issues around the current scrutiny structure in York, Members at the workshop were presented with a series of alternative options. These were:

<u>Option</u>	<u>Proposal</u>
A	Remove existing Scrutiny Committees from structure and give authority to each of the Executive Member Advisory Panels (EMAPs) to carry out all of the scrutiny function in relation to the services under their individual portfolio areas
B	Replace the existing Scrutiny Committees with an increased No. of alternative Scrutiny Committees, and <u>remove</u> EMAPs from the decision making structure
C	Replace the existing Scrutiny Committees with an increased No. of alternative Scrutiny Committees, and <u>retain</u> EMAPs – clearly define EMAPs to ensure they do not undermine the scrutiny function.

Executive Member decisions would continue to be recorded at EMAPs

- D Make no change to the scrutiny committees and decision making structure, but clearly define the role of EMAPs to ensure they do not undermine the scrutiny function and allow for policy development work (currently considered by EMAPs in part) to be considered by SMC instead, in line with Section 21 of the Local Government Act 2000. Executive Member decisions would continue to be recorded at EMAPs.

Analysis

41. A detailed analysis of the advantages and disadvantages, and effects of each option is attached at Annex B.
42. It should be noted that the legislative requirements of the Local Government & Public Involvement in Health Act, including CCfA provision and scrutinising LAAs, can be met by any of the above options. If a decision is taken not to adopt any of the above options, some changes to the current scrutiny function would still be required in order to enable scrutiny of the LAA.
43. In addition, options A-C propose the removal of SPP to enable all Call-In matters (either pre or post decision) to be dealt with through SMC, in line with recognised common practice elsewhere. These options are also robust enough to facilitate any other forthcoming legislative changes e.g. Communities in Control.
44. When asked for their views on the particular alternative options outlined at the workshops, a clear majority of the Members expressed a preference for a model based on establishing multiple standing scrutiny committees, with the consequential removal of EMAPs i.e. Option B.

Options

45. Having considered the information within the report and its annexes, the options are to:
 - make changes to the scrutiny and decision making structure, in line with either option A, B, C or D as outlined in Annex B.
 - retain the current decision making structure but ensure essential changes are introduced to meet or respond to existing or forthcoming legislative requirements, as set out in paragraphs 7-9 above.

Corporate Direction & Priorities

46. The recommendations presented in this report to improve the effectiveness of the scrutiny function in York are in line with our values to 'Deliver what our customers want' and to encourage improvement in everything we do'. They are also in line with a number of our direction statements:

- We will listen to communities and ensure that people have a greater say in deciding local priorities
 - We will be outward looking Council, working across boundaries for the people of York
 - We will promote cohesive and inclusive communities
47. Also, the ongoing work of our individual scrutiny committees supports our priorities for improvements.

Implications

48. **Financial** - Associated costings on the applicable alternative options as a comparison to the current costs of running scrutiny in City of York Council are attached at Annex C. **Please note these are indicative only.**
49. **Human Resources (HR)** There are no HR implications associated with the recommendations within this report, but it is recognised that there are likely to be some when and if any required changes to the decision making structure are agreed. For example, an increased number of scrutiny committees might require additional scrutiny support staff or at least a re-allocation of resources from within Democratic Services.
50. **Legal** - The legal implications associated with this report are as set out in paragraphs 4-12.
51. There are no Equalities, Crime and Disorder, IT or other implications associated with the recommendations within this report

Risk Management

52. The risk associated with not changing the scrutiny function in York is that our CPA rating is likely to remain static in the future. If the wrong approach is taken to changing the scrutiny function in York then the perception may remain that it is ineffective and therefore our CPA rating could still be affected. Equally, no changes to the scrutiny structure might result in the Council failing to respond appropriately to the legislative requirements referred to in paragraphs 7-9 above.

Recommendations

53. Scrutiny Management Committee are asked to note the various alternative structures and options outlined in the report and provide comments.

Reason: To inform the planned report to Council.

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Report Approved **Date** 24 October 2008

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Wards Affected:

All

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Background Papers:

- Final Report from the Department for Communities and Local Government - 'Evaluating Local Governance'(ELG) project
- CfPS 2007 Survey of Overview & Scrutiny in Local Government

Annexes:

Annex A – Detailed Examples of Scrutiny Committees at Other Councils

Annex B – Suggested Alternative Decision Making Structures For York

Annex C – Costings for Alternative Structures

Annex D – Suggested Scrutiny Committee Individual Terms of Reference

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Hull City Council - Unitary

Hung (Lib Dem)

59 Cllrs: Lib Dem 30; Lab 20; N.E.W. Hull Ind 6; Con 2; Ind 1

Overview & Scrutiny Committee	Membership = 12 Cllrs made up of Chairs of 6No. Scrutiny Commissions plus other Members to ensure political balance
	Responsible for overall co-ordination of the Overview and Scrutiny functions of the Council undertaken by the Scrutiny Commissions
	Receives annual report from Leader on the Executive's priorities for coming year and how they intend to achieve them
	Reviews Executive decisions and has overview of its direction and performance
	Considers requests to call-in Executive decisions
	Undertakes call-in function and deals with it as appropriate
	Monitors the work programmes of the Commissions, minimises duplication and ensures effective use of resources including to approve proposals from Scrutiny Commissions to undertake enquiries / reviews and to receive reports from Chairs of Scrutiny Commissions on their work
	Determines which commission will assume responsibility for a particular issue when work falls within more than one Commission's remit
	Ensures referrals from Overview & Scrutiny are managed efficiently either by way of report or for reconsideration, and do not exceed limits as set out in Constitution
	In the event that reports to the Executive do exceed limits or if the volume of such reports create difficulties for the management of Executive business, at the request of the Executive, will make decisions about the priority of referrals made.
6No. Overview & Scrutiny Commissions	<p>Each Commission can:</p> <ul style="list-style-type: none"> a) establish ad-hoc panels, preferably time-limited, to undertake specific enquiries b) receive reports as appropriate, at the discretion of the Chair in relation to the remit of the Commission from the District Auditor, the Council's internal auditor and other internal and external inspection bodies, making suggestions for improvement in practice to Council and/or Executive as required, as a result of these reports c) to contribute to Best Value Reviews of services within the scope of the Commission and monitor the implementation of relevant Action Plans <p>Plus, each Commission has its own specific terms of reference:</p>

Corporate	to exercise the Overview and Scrutiny function (except call-in) in relation to the provision, planning, management and performance of central services, including support services
	to scrutinise the arrangements for the effective governance of the local authority
	to monitor the Council's overall performance
	to undertake responsibility for best value review processes referring and recommendations to the Executive
	to undertake pre-decision scrutiny on reports submitted to the Asset Management Committee
	to have responsibility for advising on and monitoring the implementation of the Best Value Performance Plan, the Corporate Plan and Community Strategy
	to review the council's performance against the Combined Plan and the Community Strategy
	to review the effectiveness of partnerships involving the Council
Financial Management & Audit	to exercise the Overview and Scrutiny function (except call-in) in relation to the council's budget, the management of its budget, capital revenue borrowing and assets, risk management and its audit arrangements
	to analyse the development of the Council's Revenue and Capital Budgets and to review and scrutinise the Council's performance in relation to budgetary management in particular a regards the Treasury Management Policy Statement and borrowing limits and the Capital Strategy
	to analyse the development of a three year budget strategy and offer advice to the Executive where it considers necessary
	to review the management of resources made available to the Council and to scrutinise its financial and resource management, including property and asset management, acquisition and disposal
	to review the development of a Council-wide capital strategy and asset management plans
	to review the operation of the Council's financial regulations and other financial procedures making proposals to the Executive and/or Council for their development
Environment & Transport	to exercise the Overview and Scrutiny function (except call-in) in relation to the provision, planning, management of environment, parks, open spaces and transport services in the City
	to scrutinise the agencies, mechanisms and processes involved in the promotion and delivery of cleansing, waste disposal, highways management, planning and licensing policy, integrated transport and environmental health
	to contribute to the development of policies in respect of these services
	to have responsibility for advising on and monitoring the implementation of the following plans: Local Transport Plan Plans and strategies which together comprise the Development Plan Food Law Enforcement Service Plan and Strategy Local Agenda 21 Strategy

Housing, Neighbourhood Renewal & Urban Regeneration	to exercise the Overview and Scrutiny function (except call-in) in relation to the provision, planning and performance of housing, neighbourhood renewal and regeneration
	to contribute to proposals for the physical regeneration of the are including economic development
	to monitor the management of the Council's housing stock including allocation policies, the provision of special needs housing, grants and loans to owner occupiers, tenants, landlords and/or developers, the improvement of private housing and relationships with local, regional and national bodies relating to housing
	to monitor policies and practices with regard to homelessness and rehousing
	to have responsibility for advising on and monitoring the implementation of the Housing Strategy
	to review the development of partnerships with exteran lorganisatins to meet housing needs, regenerate unsatisfactory housing and promote regeneration in the City
Lifelong Learning, Culture & Leisure	to exercise the Overview and Scrutiny function (except call-in) in relation to the provision, planning and management of learning, leisure, arts and culture in the City
	to scrutinise the agencies, mechanisms and processes involved in the promotion and delivery of learning services, leisure, arts, sports and recreation in the City
	to contribute to the development of policies in respect of these services
	to have responsibility for advising on and monitoring the implementation of the following plans: Early Years Development Strategy Education Development Plan Adult Learning Plan Lifelong Learning Development Plan
Health & Social Well-being	to exercise the Overview and Scrutiny function (except call-in) in relation to the provision, planning and management of social and healthcare, children's elderly persons' and mental welfare services in the City and the holding to account of health services
	to scrutinise the agencies, mechanisms and processes used to deliver health and social care services in the City, including partnerships and joint initiatives
	to work in partnership with other bodies in scrutinising organisations based in their areas which deliver health and social care services
	to enquire into health topics of local interest or concern
	to enquire into factors that effect the health of residents and the causes of health inequalities

Leicester City Council - Unitary

Majority Administration

54 Cllrs: Lab 38; Con 8; Lib Dem 6; Green 2

In relation to the functions set out in their terms of reference, each of the Scrutiny Committees below can:

- a) review and scrutinise the decisions made by and performance of the Cabinet, Committees and Council officers both in relation to individual decisions and over time
- b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- c) question members of the Cabinet, Committees and Directors about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
- d) make recommendations to the Cabinet, Committees and the Council arising from the outcome of the scrutiny process
- e) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the
- f) question and gather evidence from any person (with their consent)
- g) exercise overall responsibility for the finances made available to them.
- h) report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if
- i) determine and exercise overall responsibility for their work programme.
- j) exercise the right to call-in for reconsideration, decisions made but not yet implemented by the Cabinet
- k) assist the Council and Cabinet in development of its budget and policy framework by in-depth analysis of policy issues

The Scrutiny Committees together with their individual functions are:

Overview and Scrutiny Management Board	Membership = 10 Cllrs plus 4 Co-opted Members (1 x Roman Catholic Diocese Member, 1 x Church of England Diocese Member and 2 Parent Governors)
	Decides on issues that are to receive overview and scrutiny (e.g. an area of significant policy or service change or underperformance, or an area of public or local interest)
	Directly scrutinises policy or service changes
	Sets the work programme for the Task Groups and monitors and evaluates their work
	Requests that an Overview and Scrutiny Task Group scrutinises a change to policy/service delivery
	Requests an Area or Ward Committee to undertake the scrutiny of a local issue
	Oversees and monitors training programmes for Overview and Scrutiny
	Oversees the overall use of financial resources allocated to support the overview and scrutiny process
Health Overview and Scrutiny Committee	Scrutinises the Primary Care Trust and other health care bodies to ensure health care services are provided
	Seeks to ensure that local people are involved as appropriate under the NHS Reform Act
	Scrutinises the provision and operation of hospital and community health services
	Scrutinises issues with public health, health promotion and health improvement
	Monitors the planning of health services to improve health and the provision of health care
	Monitors community engagement by the PCTs and other NHS bodies in the city
Scrutinises the Council's functions as they impact on health & matters referred by patients' forum	

Performance and Value for Money Select Committee	Monitors and holds to account the service delivery performance of the Council and its partners with particular reference to performance indicators and the performance management framework, and also to key documents such as the Local Area Agreement and the Council's Corporate Plan
	Monitors the efficiency of the Council
	Scrutinises the annual budget setting and monitoring process
	Identifies areas for in depth scrutiny for referral to the Overview and Scrutiny Management Board where performance is weak
	Scrutinises issues identified as requiring improvement by external assessors
	Scrutinises the performance of the Council's scrutiny function (including members' participation in overview and scrutiny at Task Group level)
5No. Task Groups	<p>Various task groups will meet as and when necessary to investigate issues in-depth, as directed by the Overview and Scrutiny Management Board or Performance and Value For Money Select Committee. These Groups are not formal committees and may meet in public or private, as appropriate.</p> <ul style="list-style-type: none"> i) Adult & Housing Task Group ii) Culture & Leisure Task Group iii) Community Cohesion & Community Safety Task Group iv) Children, Schools & Young People Task Group v) Regeneration & Transport Task Group

Sheffield - Metropolitan Borough

Hung (Lab)

84 Cllrs: Lab 41; Lib Dem 39; Green 2; Con 1; Ind 1

Scrutiny Management Board	Membership = 5No. Chairs & 5No. Deputy Chairs of Scrutiny Committees
	Responsible for co-ordinating scrutiny activity, managing the overall scrutiny programme and deciding how to deal with urgent new topics or those which fall within the remit of more than one Scrutiny Committee
5No. Scrutiny Committees	In relation to the functions set out in their terms of reference, each of the Scrutiny Committees can:
	a) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
	b) conduct research, community and other consultation in the analysis of policy issues and possible options;
	c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
	d) question members of the Cabinet and other Bodies, and chief officers about their views on issues and proposals affecting the area
	e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working
	f) review and scrutinise the decisions made by and performance of the Cabinet and, as appropriate, the Regulatory Boards and Council officers both in relation to individual decisions and over time
	g) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
	h) question members of the Cabinet and other Bodies, and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
	i) make recommendations to the Cabinet, appropriate Bodies and/or Council arising from the outcome of the scrutiny process
	j) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Board and local people about their activities and performance
	k) question and gather evidence from any person (with their consent)
	l) exercise overall responsibility for the finances made available to them
m) report annually to the full Council on their workings and agree future work programmes and amended working methods if appropriate	

Scrutiny Committees (cont/d)	n) exercise overall responsibility for the work programme of any Officers specifically employed to support their work
	o) exercise the right to call-in for reconsideration, decisions made but not yet implemented by the Cabinet
	Plus, each Scrutiny Committee has its own specific terms of reference:
Strategic Resources & Performance	Exercises an overview and scrutiny function in respect of all the Council's strategic and longer term planning and corporate development issues, IT development, corporate targets and objectives, financial processes and day-to-day management of all the Council's internal resources, including finance, staffing and property, regional issues, together with the review of performance and any special issues which may arise from time to time particularly those matters not falling within the specific remit of any other Scrutiny Board.
	Remit includes: Corporate and strategic planning, Corporate and Best Value Performance Plans, corporate targets, Democratic Services, Local Ombudsman reports, performance indicators, the Sheffield First Partnership Board, the Sheffield First Agreement, the budget setting process, budget monitoring, estates and facilities management, contracts, the purchase and disposal of property, staff management, personnel issues, corporate support services and the implementation of the Council's equalities policies
Health & Community Care	Exercises an overview and scrutiny function in respect of the planning, policy development and monitoring of service performance and related issues together with other general issues relating to adult and community care services, within the Neighbourhoods area of Council activity and Adult Education services.
	Scrutinises as appropriate the various local Health Services functions, with particular reference to those relating to the care of adults.
	Remit includes: Community care, older people, mental health and disabilities and adult residential and day care services and home support services, Adult education, community and adult lifelong learning, Sheffield Health and Well-being Board and constituent parts of the local Health Services with particular reference to adults. To involve where relevant, the expertise of individuals who are neither Members nor Council officers
Culture, Economy & Sustainability	Exercises an overview and scrutiny function in respect of the planning, development and monitoring of service performance and other issues in respect of the area of Council activity relating to planning and economic development, wider environmental issues, culture, leisure, skills and training, and the quality of life in the City.
	Remit includes: development, environmental management, regulatory services, consumer protection, planning and transportation, culture, leisure and associated leisure trusts, parks and countryside, economic regeneration activities and Regional and European development funding arrangements, Sheffield Environment Partnership and Creative Sheffield

Successful Neighbourhoods	Exercises an overview and scrutiny function in respect of the planning, development and monitoring of service performance and other issues in relation to the provision and development of successful neighbourhoods and local environmental issues in the City.
	Remit includes: Housing and successful neighbourhoods strategy, Area Action, social inclusion, crime and disorder, Sheffield Homes and housing management, delivery of the Decent Homes Strategy, and neighbourhood services, (including cleaning, catering, transport and CCTV). Client and provider functions for Streetforce (Highways and Streetscene) and Markets. Sheffield Successful Neighbourhoods Board, Sheffield Safer Communities Board and Sheffield Inclusive and Cosmopolitan Board. To involve, where relevant, the expertise of individuals who are neither Members nor Council officers
Children & Young People	Exercises an overview and scrutiny function in respect of the planning, policy development and monitoring of service performance and other general issues relating to learning and attainment and the care of children and young people within the Children's Services area of Council activity.
	Scrutinises as appropriate the various local Health Services functions, with particular reference to those relating to the care of children.
	Remit includes: Early years, schools and school effectiveness, access and inclusion, Pupil support, Post-16 learning, employment and youth services. Sheffield 0 to19+ Partnership Board. Sheffield First for Learning, Connexions LMC, safeguarding/child protection, inspection preparation and post inspection action, children's services, including children's family services and family learning, children in need, children's residential services, family placement, family support, children and young people with disabilities and Children's Hospital social work, children's health services, including the services provided by the Children's Hospital and the Children's NHS Foundation Trust. To involve statutory non-Council Members as appropriate and, where relevant, the expertise of individuals who are neither Members nor Council officers

Peterborough City Council

Majority Administration

57 Cllrs: 43 Con, Peterborough Ind. Forum 9, Lib Dem 3, Lab 2

Scrutiny Committee	Membership = 10 Cllrs (8:1:1)
	Responsible for overseeing and co-ordinating the scrutiny function, including allocating responsibility for issues which fall between more than one Scrutiny Panel, maintaining a work programme for the scrutiny function and receiving quarterly reports from the scrutiny panels
	Exercises the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive or key decisions delegated to an officer
	To develop and maintain a work programme for the overview and scrutiny function which is reviewed on a quarterly basis by receiving quarterly reports from the scrutiny panels on progress against the work programme.
	To review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions.
	To consider and make recommendations in respect of draft reports and policies brought to the Committee for consideration.
	To monitor the performance of the following portfolios through regular performance monitoring reports: * Finance and Human Resources * Customer Focus and Communications * Strategic and Regional Partnerships
	To initiate, develop and review relevant policies and advise the Executive about the proposed Policy Framework as it relates to the following service areas: * Communications * Customer Services * Human Resources * Legal and Democratic Services * Strategic Finance
	To scrutinise issues identified from the Executive's Forward Plan, prior to a decision being made.
	To monitor the delivery of the Community Strategy.
	To consider the Council's annual budget proposals and Corporate Strategy.
	To monitor the Council's financial performance during the year.
	To receive a report from the Leader of the Council at its first meeting after each Annual Council, to include the Executive's priorities for the coming year and its performance in the previous year.

Scrutiny Committee (cont/d)	To provide an annual report to the Council on the work of the overview and scrutiny function.
	To identify training, development and support for members carrying out the scrutiny function.
	To meet with the Executive on a six-monthly basis and/or as required if a particular issue is raised.
	To periodically review the overview and scrutiny procedures to ensure that the function is operating effectively.
	To scrutinise the services provided to residents of Peterborough by other service providers.
	To consider any matter affecting the area or its inhabitants.
	To consider any general scrutiny issues.
	To review any issue that the Committee considers appropriate or any matter referred to it by the Executive or Council and report back to the body which referred the matter.
5No. Scrutiny Panels	<p>Each Scrutiny Panel can:</p> <ol style="list-style-type: none"> Report to the Scrutiny Committee on a quarterly basis on the Committee's contribution to the overview and scrutiny work programme. Review any issue that the Panel considers appropriate or any matter referred to it by the Executive, Scrutiny Committee or Council and report back to the body which referred the matter. Comment on the relevant sections of the annual budget proposals and Corporate Strategy. Scrutinise issues identified from the Executive's Forward Plan, prior to a decision being made. Review and/or scrutinise decisions made or actions taken in connection with the discharge of the Council's functions. Consider and make recommendations in respect of draft reports and policies brought to the Panel for consideration. <p>Plus, each Scrutiny Panel has its own specific terms of reference:</p>

Business Efficiency	To monitor the performance of the Efficiency and Business Improvement portfolio through regular performance monitoring reports
	To initiate, develop and review relevant policies and advise the Executive about the proposed Policy Framework as it relates to the following areas: <ul style="list-style-type: none"> • Business Transformation • ICT • Procurement • Strategic Property
	To monitor progress on the Council's priority of being accessible, effective and efficient.
	To identify aspects of the Council's operation and delivery of services for efficiency reviews and conduct these reviews together with others commissioned by the Executive, Scrutiny Committee and the Council. When undertaking efficiency reviews, it should: ensure they are outcome focussed and reflect the Council's corporate priorities; challenge assumptions about the Council's operational processes; ensure all feasible options for the future delivery of services are explored and appraised; consider constructive suggestions for improvement put forward by interested groups.
	To ensure the efficient use of resources, review the implementation of existing processes and consider the scope for new processes with regard to all aspects of the Council's business.
	Promote a culture of continuous improvement in all services, and monitor efficiency across organisational/service boundaries to promote a seamless approach to service delivery, with the user as a central focus.
Children & Lifelong Learning	To monitor the performance of the Education and Children's Services portfolio through regular performance monitoring reports
	To initiate, develop and review relevant policies and advise the Executive about the proposed Policy Framework as it relates to Children's Services
	To monitor progress on the Council's priority of providing high quality opportunities for learning and ensure children are healthy and safe.
Community Development	To monitor the performance of the following portfolios through regular performance monitoring reports: <ul style="list-style-type: none"> * Community Services * Housing, Regeneration and Economic Development
	To initiate, develop and review relevant policies and advise the Executive about the proposed Policy Framework as it relates to the following service areas: <ul style="list-style-type: none"> * Strategic Growth and Development * Culture and Recreation
	To monitor progress on the Council's priority of making Peterborough a better place in which to live and work.

Environment & Community Safety	To undertake all of the Council's statutory functions in accordance with Section 19 and associated regulations of the Police and Justice Act 2006, relating to scrutiny of crime and disorder matters.
	To monitor the performance of the following portfolios through regular performance monitoring reports: * City Services * Environment and Community Safety
	To initiate, develop and review relevant policies and advise the Executive about the proposed Policy Framework as it relates to the following service areas: * City Services * Environmental and Public Protection * Planning Services * Transport and Engineering Services * City Centre Services
Health & Adult Social Care	To undertake all of the Council's statutory functions in accordance with section 7 of the Health and Social Care Act 2001 and section 244 of the National Health Service Act 2006 and associated regulations, including appointing members, from within the membership of the Panel, to any joint overview and scrutiny committees with other local authorities, as directed under the National Health Service Act 2006.
	To review and scrutinise the impact of the authority's own services and policies and those of key partnerships on the health of its population, including taking account of the views of members of the public, user and support groups and others in any review or scrutiny of service delivery which impacts on the health of local communities.
	To review arrangements made by the Council and local NHS bodies for public health within the City.
	To make reports and recommendations to the relevant health or other provider or commissioner of services and to evaluate and review the effectiveness of its reports and recommendations.
	To seek and take account of the views of members of the public, user and support groups and others in any review or scrutiny of service delivery which impacts on the health of local communities.
	To monitor the performance of the Health and Adult Social Care portfolio through regular performance monitoring reports
	To initiate, develop and review relevant policies and advise the Executive about the proposed Policy Framework as it relates to the following service areas: * Adult Social Care * Public Health
To monitor progress on the Council's priority of achieving the best possible health and well being.	

Option A	<u>Alternative Structure</u> Remove existing Scrutiny Committees from decision making structure and give authority to each of the Executive Member Advisory Panels (EMAPs) to carry out all of the scrutiny function in relation to the services under their individual portfolio areas
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Suggested EMAP Committees

As per current structure:

City Strategy
Corporate Service
Leisure & Culture
Neighbourhoods
Housing & Adult Social Services
Children's Services

Suggested Scrutiny Committees

None

Role of Scrutiny Management Committee

- To deal with all pre/post decision call-in

Role of Advisory Panel

- Executive Member Business- This would appear on the Executive Forward Plan and be dealt with at meetings in the same way as it is now.
- Scrutiny Business – Each Advisory Panel would agree a yearly workplan based on the Directorate Service Plan. The workplan would appear as a standard item on the agenda for consideration at each meeting and any registered scrutiny topics or issues identified at meetings would be prioritised and added to the workplan accordingly. The scrutiny workplans would be visible on both the intranet and internet in the same way as the Executive Forward Plan, via the committee management system.
- Retain current powers but may require some minor revisions to delegations*

Agenda Presentation

The standard agenda items e.g. Declarations of Interest, Minutes etc would be dealt with at the start of the meeting. The business items would be split into parts A (Advising the Executive Member) and B (Scrutiny). In the case of City Strategy EMAP where two Executive Members are in attendance, the business in part A would be subdivided to clearly show which Executive Member is to make the decision see sample agenda front sheet below. For example, at the meeting of City Strategy EMAP on 8 September 2008, the business would have been split as follows:

Item	Type of Business	Executive Member
<ul style="list-style-type: none"> Loan to Science City York Chief Executive's Monitor 1 Finance & Performance Report 2008/09* 2008/09 1st Monitoring Report for Economic Development Service – Finance & Performance* 	Executive	Leader Leader Leader

<ul style="list-style-type: none"> • Manor School – Highways Improvements (inc Beckfield Lane cycle scheme) • Winter Maintenance Service 2008/09 • 2008/09 City Strategy Finance & Performance Monitor One* • 2008/09 City Strategy Capital Programme Monitor 1 Report* 	Executive	City Strategy City Strategy City Strategy City Strategy
<ul style="list-style-type: none"> • Coach Strategy Review • York Cycling City • Results from the Street Lighting Trials • A Comparison of Bus Fares in York with other Local Authorities • Quality Bus Partnership Progress Report 	Scrutiny	

- * In order to bring the scrutiny function in York in line with that of all other local Authorities, these items in respect of monitoring finance and performance would fall under Scrutiny business. Items pertaining to the setting or spending of budgets would remain an Executive function

Effects

- Reduction in No. of Committees on structure.
- Would require clarity of Democracy & Scrutiny Support Roles
- Would require clarity in nature of business being dealt with at meetings

Advantages

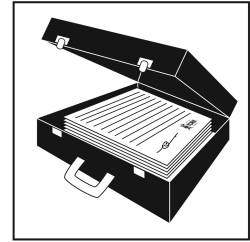
- EMAPs already involved in decision making about policy development and budgets.
- EMAPs have good understanding of their service areas and are therefore best placed to review and scrutinise Executive / chief officer decisions, and performance in relation to policy objectives and performance targets
- Clarity in role of EMAP i.e. separation of council and executive functions.
- More targeted use of resources in support of the function.
- Would address CPA concerns.

Disadvantages

- Increased workload for EMAPs
- Longer meetings and/or increased No. of meetings
- Removes clear delineation between overview and scrutiny, and decision-making processes

Cost

Information shown in Annex C.



Notice of meeting of

Executive Members for City Strategy and Advisory Panel

- To:** Councillors Gillies (Chair), Steve Galloway (Executive Member), Gillies (Chair), D'Agorne (Vice-Chair), Cregan, Hyman, Potter, Scott and Waller (Executive Member)
- Date:** Monday, 8 September 2008
- Time:** 5.00 pm
- Venue:** The Guildhall, York

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 Friday 5 September 2008, if an item is called in *before* a decision is taken, *or*

4:00 pm on Wednesday 10 September 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. Minutes (Pages 3 - 20)

To approve and sign the minutes of the last meeting of the Executive Members for City Strategy and Advisory Panel held on 14 July 2008.

3. 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 Friday 5 September 2008 at 5.00 pm.

BUSINESS FOR THE EXECUTIVE LEADER**ITEMS FOR DECISION****4. Loan to Science City York (Pages 21 - 30)**

This report asks the Executive Member to recommend that the Executive approve a loan of £50,000 from the Council to Science City York Company Limited by Guarantee to assist with its cash flow.

5. Chief Executive's Monitor 1 Finance and Performance Report 2008/09 (Pages 31 - 48)

This report combines performance and financial information for the Chief Executives Directorate for Monitor 1 2008-09. The Executive Member is asked to note the financial and performance position of the portfolio and to recommend the Executive to release a contingency sum to fund the additional cost of Members superannuation costs.

6. 2008/09 First Monitoring Report for Economic Development Service - Finance & Performance (Pages 49 - 62)

This report presents the latest projections for revenue and capital expenditure by Economic Development, as well as performance against target for:

- National Performance Indicators
- Customer First targets (letter and telephone answering)
- Staff Management targets (sickness absence & appraisals completed)

The Executive Member is asked to approve the financial and performance position of the portfolio.

BUSINESS FOR THE EXECUTIVE MEMBER FOR CITY STRATEGY**ITEMS FOR DECISION****7. Manor School - Highway Improvements (including Beckfield Lane cycle scheme) (Pages 63 - 84)**

This report summarises the outcome of consultation on a package of highway improvements aimed at providing safe and sustainable transport links to the new Manor School on Millfield Lane. Approval of a scheme for implementation is sought together with authorisation to advertise the related traffic regulation orders.

8. Winter Maintenance Service 2008/09 (Pages 85 - 118)

This report advises Members of the outcome of a review of last seasons Winter Maintenance Service and seeks approval of Officers actions in renewing the winter maintenance forecast provision contract.

9. 2008/09 City Strategy Finance and Performance Monitor One (Pages 119 - 154)

This report presents two sets of data from the City Strategy Directorate:

- a. the latest projections for revenue expenditure and capital expenditure for City Strategy portfolio,
- b. Monitor 1 (2008/09) performance against target for a number of key indicators that are made up of:
 - i. National Performance Indicators and local indicators owned by City Strategy¹
 - ii. Customer First targets (letter answering)
 - iii. Staff Management Targets (sickness absence)

Members are requested to note the financial position of the directorate portfolio, agree to the release of a contingency sum and approve a one off virement.

10. 2008/09 City Strategy Capital Programme Monitor 1 Report (Pages 155 - 190)

This report sets out progress to date on schemes in the City Strategy Capital Programme for 2008/09 and asks the Executive Member to approve the amendments to the 2008/09 budget.

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

ITEMS OF SCRUTINY BUSINESS

12. Coach Strategy Review (Pages 191 - 214)

This report provides a description and analysis of key findings arising from the York Coach Strategy Update (2008) and recommends that a detailed examination is made as to the feasibility of coaches using bus lanes in York.

13. York Cycling City (Pages 215 - 236)

This report advises Members of progress made in developing the York Cycling City project since the announcement of the successful bid in June 2008. Members are asked to note the content of the report and approve the proposals for moving the project forward.

14. Results from the Street Lighting Trials (Pages 237 - 266)

This report examines the results of the street lighting trials, which took place earlier this year and examines how this could be progressed, in line with the recommendations of the Executive.

15. A Comparison of Bus Fares in York with other Local Authorities
(Pages 267 – 294)

This report advises Members of the comparative cost of bus travel, how local bus services in York compare to those in similar conurbations, how Park and Ride fares compare and how fares differ between bus companies operating in York.

16. Quality Bus Partnership Progress Report (Pages 295 - 310)

This report details decisions made by the Quality Bus Partnership (QBP) since its relaunch in August 2007 and is in response to a request made Cllr D'Agorne.

Democracy Officer

Name: Jill Pickering - Contact Details:

- Telephone - (01904) 552061
- Email - jill.pickering@york.gov.uk

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

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

Contact details are set out above.

Option B	<u>Alternative Structure</u> Replace the existing Scrutiny Committees with an increased No. of alternative Scrutiny Committees, and <u>remove</u> EMAPs from the decision making structure
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Suggested Scrutiny Committees

- Thriving City (Strategic Resources, Performance & Economic Development)
- Adult Health & Community Care
- Planning & Culture
- Neighbourhoods, Safety & Sustainability
- Children & Young People

See Annex D for the suggested function and remit of each of the above committees including how the priority targets agreed as part of the Local Area Agreement fit within each of their individual remits

Role of Scrutiny Management Committee

- To deal with all pre / post decision call-in
- Responsible for co-ordinating scrutiny activity, managing the overall scrutiny programme and deciding how to deal with urgent new topics or those which fall within the remit of more than one Scrutiny Committee
- Comprising of all Chairs and Vice Chairs of 5No. standing scrutiny committees
- Bi-monthly meetings (not including call-in)

Agenda Presentation

The Executive agenda items would be split to show Executive business and Executive Member business – see sample agenda front sheet below. For example, under this option the Executive Member business from City Strategy EMAP on 8 September 2008 would have been reduced to the following items:

Item	Type of Business	Executive Member
<ul style="list-style-type: none"> • Loan to Science City York • Chief Executive's Monitor 1 Finance & Performance Report 2008/09* • 2008/09 1st Monitoring Report for Economic Development Service – Finance & Performance* • Manor School – Highways Improvements (inc Beckfield Lane cycle scheme) • Winter Maintenance Service 2008/09 • 2008/09 City Strategy Finance & Performance Monitor One* • 2008/09 City Strategy Capital Programme Monitor 1 Report* 	Executive	Leader Leader Leader City Strategy City Strategy City Strategy City Strategy

* In order to bring the scrutiny function in York in line with that of all other local Authorities, these items in respect of monitoring finance and performance would fall under Scrutiny business. Items pertaining to the setting or spending of budgets would remain an Executive function. Therefore, under 'Option B' all of the Finance & Performance monitoring items would have been removed from the agenda and dealt with instead by the Strategic Resources & Performance Scrutiny Committee suggested above and detailed in Annex D.

Effects

- Re-organisation of scrutiny and removal of EMAPs from decision-making structures
- Changes to levels of officer support in both areas with potential HR / Financial implications
- Would require some change to Executive Member delegations
- Removal of SPP – business gets called-in to SMC for consideration
- Executive Members would make their decisions in public every fortnight following the Executive meeting.

Advantages

- Would meet CPA requirements
- Proper clear and consistent application of Delegation Scheme
- Would reduce EMAP workloads and reinforce scrutiny powers to look at policy development issues

Disadvantages

- ?

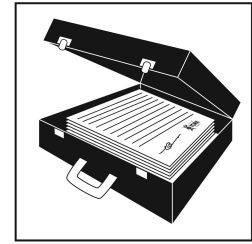
Cost

Information shown in Annex C.

Functions common to each of the suggested Scrutiny Committees

- a) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- b) conduct research, community and other consultation in the analysis of policy issues and possible options;
- c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- d) question members of the Cabinet and other Bodies, and chief officers about their views on issues and proposals affecting the area
- e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working
- f) review and scrutinise the decisions made by and performance of the Cabinet and, as appropriate, the Regulatory Boards and Council officers both in relation to individual decisions and over time
- g) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- h) question members of the Cabinet and other Bodies, and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
- i) make recommendations to the Cabinet, appropriate Bodies and/or Council arising from the outcome of the scrutiny process
- j) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Board and local people about their activities and performance
- k) question and gather evidence from any person (with their consent)
- l) exercise overall responsibility for the finances made available to them
- m) report annually to the full Council on their workings and agree future work programmes and amended working methods if appropriate
- n) exercise overall responsibility for the work programme of any Officers specifically employed to support their work

Plus, each Scrutiny Committee to have its own specific terms of reference - see Annex D



Notice of meeting of

Executive

To:	Councillors Steve Galloway (Chair), Aspden, Sue Galloway, Jamieson-Ball, Reid, Runciman, Sunderland, Vassie and Waller
Date:	Tuesday, 11 September 2007
Time:	2.00 pm
Venue:	The Guildhall, York

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 Monday 10 September 2007, if an item is called in *before* a decision is taken, *or*

4:00 pm on Thursday 13 September 2007, 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. **Minutes** (Pages 3 - 12)
To approve and sign the minutes of the meeting of the Executive held on 24 July 2007.
3. **Public Participation**
At this point in the meeting, members of the public who registered their wish to speak regarding an item on the agenda or an issue within the Executive's remit can do so. The deadline for registering is **5:00 pm on Monday 10 September 2007**.
4. **Executive Forward Plan** (Pages 13 - 32)
To receive details of those items that are listed on the Executive Forward Plan for the next two meetings.

Executive Business

5. **Minutes of the Young People's Working Group** (Pages 33 - 42)
This report presents the minutes of a recent meeting of the Young People's Working Group and asks Members to consider the advice given by the Working Group in its capacity as an advisory body to the Executive.
6. **Amendments to the Council's Constitution** (Pages 43 - 48)
This report asks the Executive to note amendments made to the Constitution by the Council's Monitoring Officer pursuant to the provisions of Article 16 of the Constitution.
7. **Environmental Sustainability Strategy and Action Plan towards a Climate Change Strategy for the City** (Pages 49 - 86)
This report seeks approval of the Environmental Sustainability Strategy and Action Plan towards a Climate Change Strategy for the city, and also seeks agreement to the adoption of the Environmental Policy as a basis for the Council's Environmental Management System (EMS).
8. **Efficiency and Strategic Procurement Programme** (Pages 87 - 98)
This report seeks approval for a set of reviews and other pieces of work aimed at improving the Council's efficiency. These reviews are in addition to the Council's existing efficiency based exercises which have already been successful in more than achieving the targets set by the Government.
9. **Finance Strategy 2008/09 to 2010/11 and Policy Prospectus Response on the Future of a Fair Grant for York** (Pages 99 - 172)
This report presents to the Executive the Council's draft Financial Strategy for 2008/09 to 2010/11. In doing so it covers both the

Council's financial position for the next three years (the Medium Term Financial Forecast or MTFF) and potential options for bridging the gap between the expected budgetary position and the funding available. It also attempts, for the first time, to formalise a number of financial policies relating to the Council's financial management.

10. Developing the York Compact: new codes of good practice

(Pages 173 - 196)

This report sets out and seeks approval of the new and revised York Compact codes of good practice that have been developed by the York Compact Group. It also asks Members to endorse the Council's continued involvement in and support for the York Compact.

Business for the Executive Leader

11. Loan to Science City York

This report asks the Executive Member to recommend that the Executive approve a loan £50,000 from the Council to Science City York Company Limited by Guarantee to assist with its cash flow.

Business For the Executive Member For City Strategy

12. Urgent Business

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

Democracy Officer:

Name: Simon Copley Contact details:

- Telephone – (01904) 551078
- E-mail – simon.copley@york.gov.uk

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

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

Contact details are set out above.

Option C	<u>Alternative Structure</u> Replace the existing Scrutiny Committees with an increased No. of alternative Scrutiny Committees, and <u>retain</u> EMAPs – clearly defining EMAPs to ensure they do not undermine the scrutiny function
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Suggested Scrutiny Committees

- Thriving City (Strategic Resources, Performance & Economic Development)
- Adult Health & Community Care
- Planning & Culture
- Neighbourhoods, Safety & Sustainability
- Children & Young People

See Annex D for the suggested function and remit of each of the above committees including how the priority targets agreed as part of the Local Area Agreement fit within each of their individual remits

Role of Scrutiny Management Committee

- To deal with all pre / post decision call-in
- Responsible for co-ordinating scrutiny activity, managing the overall scrutiny programme and deciding how to deal with urgent new topics or those which fall within the remit of more than one Scrutiny Committee
- Comprising of all Chairs and Vice Chairs of 5No. standing scrutiny committees
- Bi-monthly meetings (plus call-in)

Role of Advisory Panels

- Retain current powers with some revisions to delegations
- Give scrutiny committees constitutional powers to establish, develop and review strategies / practices / policies as appropriate, prior to the determination by Executive or relevant EMAP

Agenda Presentation

EMAP agendas would be presented in the same way as they are now except there would be less items on the agenda as a result of clearly defining which of the items that currently go to EMAP should be going to a scrutiny committee (in order to bring the scrutiny function in York in line with the scrutiny function at other local Authorities). For example, under this option the Executive Member business from City Strategy EMAP on 8 September 2008 would have been reduced to the following items:

Item	Type of Business	Executive Member
• Loan to Science City York	Executive	Leader
• Chief Executive's Monitor 1 Finance & Performance Report 2008/09*		Leader
• 2008/09 1 st Monitoring Report for Economic Development Service – Finance & Performance*		Leader
• Manor School – Highways Improvements (inc Beckfield Lane cycle scheme)		City Strategy
• Winter Maintenance Service 2008/09		City Strategy
• 2008/09 City Strategy Finance & Performance Monitor One*		City Strategy
• 2008/09 City Strategy Capital Programme Monitor 1 Report*		City Strategy

- * In order to bring the scrutiny function in York in line with that of all other local Authorities, these items in respect of monitoring finance and performance would fall under Scrutiny business. Items pertaining to the setting or spending of budgets would remain an Executive function. Therefore, under 'Option C' all of the Finance & Performance monitoring items would have been removed from the agenda and dealt with instead by the Strategic Resources & Performance Scrutiny Committee suggested above and detailed in Annex D.

Effects

- Increased number of scrutiny committees
- would require an increase in scrutiny support staff with potential HR / Financial implications
- Reduced workload for EMAPs
- Need to clarify roles of Scrutiny Officers and current report authors within Directorates

Advantages

- Clearly defined roles for Scrutiny Committees and EMAPs
- Would meet CPA requirements
- Would reduce EMAP workloads and reinforce scrutiny powers to look at policy development issues

Disadvantages

- High costs due to increased No. of committees on structure
- Greater potential for confusion between roles

Cost

Information shown in Annex C.

Functions common to each of the suggested Scrutiny committees

- a) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- b) conduct research, community and other consultation in the analysis of policy issues and possible options;
- c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- d) question members of the Cabinet and other Bodies, and chief officers about their views on issues and proposals affecting the area
- e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working
- f) review and scrutinise the decisions made by and performance of the Cabinet and, as appropriate, the Regulatory Boards and Council officers both in relation to individual decisions and over time
- g) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- h) question members of the Cabinet and other Bodies, and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
- i) make recommendations to the Cabinet, appropriate Bodies and/or Council arising from the outcome of the scrutiny process
- j) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Board and local people about their activities and performance
- k) question and gather evidence from any person (with their consent)

- l) exercise overall responsibility for the finances made available to them
- m) report annually to the full Council on their workings and agree future work programmes and amended working methods if appropriate
- n) exercise overall responsibility for the work programme of any Officers specifically employed to support their work

Plus, each Scrutiny Committee to have its own specific terms of reference - see Annex D

Option D	<p><u>Alternative Structure</u> Leave the decision making structure as it currently stands without any increase to the number of scrutiny committees. Clearly define the role of EMAPs to ensure they do not undermine the scrutiny function and allow for overview and policy development work (currently considered by EMAPs) to be considered by SMC instead, in line with Section 21 of the Local Government Act 2000</p>
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Suggested EMAP Structure

As per current structure:

City Strategy
 Corporate Services
 Leisure, Culture & Social Inclusion
 Neighbourhoods
 Housing & Adult Social Services
 Children & young People's Services

Suggested Scrutiny Committees

As per current structure:

Scrutiny Management Committee
 Health
 Education
 Ad-hocs (as necessary)

Role of Scrutiny Management Committee

- Give constitutional powers to establish, develop and review strategies / practices / policies as appropriate, prior to the determination by Executive or relevant EMAP
- To deal with all pre and post decision call-in.

Effects

May require an increase in HR in Scrutiny Services
 Would require changes to the delegation of SMC

Advantages

Will provide clarity in the role of Scrutiny Committees and EMAPs

Disadvantages

If HR increased within Scrutiny Services, there would be HR / Financial implications

Cost

No change to costs

Role of EMAPs

- Retain current powers with some revisions to delegations

Clarification of functions common to each of the Scrutiny Committees

- assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- conduct research, community and other consultation in the analysis of policy issues and possible options;
- consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- question members of the Cabinet and other Bodies, and chief officers about their views on issues and proposals affecting the area
- liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working
- review and scrutinise the decisions made by and performance of the Cabinet and, as appropriate, the Regulatory Boards and Council officers both in relation to individual decisions and over time

- g) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- h) question members of the Cabinet and other Bodies, and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
- i) make recommendations to the Cabinet, appropriate Bodies and/or Council arising from the outcome of the scrutiny process
- j) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Board and local people about their activities and performance
- k) question and gather evidence from any person (with their consent)
- l) exercise overall responsibility for the finances made available to them
- m) report annually to the full Council on their workings and agree future work programmes and amended working methods if appropriate
- n) exercise overall responsibility for the work programme of any Officers specifically employed to support their work

Costings for Suggested Options

Current Running Cost per EMAP Meeting	
D.O. Charge Rate (based on new pay and grading scales)	
D.O. Grade 6 / Level 2 = £10.28 per hr x 9Hrs per EMAP meeting =	£ 92.52
Printing – Total Print Costs per EMAP for 2007/08	
Corporate =	£1,995.93
Leisure & Culture =	£ 818.80
Neighbourhoods =	£1,043.99
Children's =	£1,334.30
City Strategy =	£2,472.25
Housing & Adult S.S. =	<u>£1,041.75</u>
Total =	£8,707.02
÷ 6No. EMAPs for average print costs per EMAP Committee	£1,451.17
÷ Current number of meetings per committee	<u>÷ 7</u>
	£ 207.31
	+ £ <u>207.31</u>
Running cost per EMAP Meeting	£ 299.83
Current Structure: 6 EMAPs x 7No. meetings per EMAP = 42 meetings per year	x 42
Total Cost of current EMAP structure	<u>£12,592.86</u>
Current Running Cost per Scrutiny Meeting	
D.O. Charge Rate (based on new pay and grading scales)	
D.O. Grade 6 / Level 2 = £10.28 per hr x 6Hrs per Scrutiny meeting =	£ 61.68
Printing - Example print costs for typical scrutiny meeting =	+ £ <u>30.41</u>
Running cost per Scrutiny Meeting	£ 92.09
Current No. of Scrutiny Meetings:	
SMC =	11
Education =	9
Health =	11
Barbican Ad-hoc =	3
Traffic Ad-hoc =	9
Highways Ad-hoc =	<u>7</u>
	= 50 meetings
	x 50
Total Cost of current Scrutiny structure	<u>£ 4,604.37</u>
Cost of current EMAP structure	£ 12,592.86
Cost of current Scrutiny structure	<u>£ 4,604.37</u>
Total Current Costs	<u>£ 17,197.23</u>
NB: In calculating the costs per option below, we have assumed that the current scrutiny staffing costs are cost neutral. Plus, the following 'costs' were not incorporated because it was assumed that these would be broadly the same in overall terms:	
<ul style="list-style-type: none"> • directorate-wide officer support costs across the decision making structure (inc. scrutiny); • heating/lighting of venue for meetings; • room hire charges 	
However, as Options A-C would result in a reduction in the number of meetings held annually, further savings in the above may be made.	

Option A (i.e. amalgamating scrutiny and executive business through the Advisory Panel, resulting in the removal of scrutiny meetings & a slight increase in the number of Advisory Panel meetings)	
Running cost per EMAP Meeting (see above)	£299.83
Suggested Structure: 6No. EMAPs x 8No. meetings per EMAP = 48 meetings per year (additional 6 meetings per year)	x 48
	<hr/>
Total cost of EMAPS with suggested structure in Option A	£14,391.84
LESS: Current Scrutiny Structure Costs	- £ 4,604.37
	<hr/>
Total Cost Resulting from Option A	£ 9,787.47
Total Costs for Current EMAP & Scrutiny Structure = £17,197.23	
LESS: Total Cost Resulting from Option A	= <u>£ 9,787.47</u>
Total Saving made with Option A	£ 7,409.76

Option B (i.e. creation of multiple standing scrutiny committees, resulting in the removal of EMAPS, a reduced number of scrutiny meetings and an alternative process for making Executive Member decisions)	
Running Cost per scrutiny meeting (see above)	£ 92.09
5No. Scrutiny Committees x 8No. meetings each per year = 40 (i.e. meeting every 6 weeks)	
SMC x 4 meetings per year (not including call-in)	= 4
= No. of suggested scrutiny meetings per year	= <u>44</u> x 44
	<hr/>
Cost of suggested scrutiny structure	£ 4,051.96
PLUS: Cost of suggested EMAP structure	+ 0
	<hr/>
Total Cost Resulting from Option B	£ 4,051.96
Total Costs for Current EMAP & Scrutiny Structure = £17,197.23	
LESS: Total Cost Resulting from Option A	= <u>£ 4,051.96</u>
Total Saving made with Option B	£13,145.27

Option C (i.e. introducing multiple standing scrutiny committees (as per Option B above) and retaining EMAPS, resulting in a reduction in the number of scrutiny meetings required)	
Total cost of current EMAP structure (see above)	£ 12,592.86
PLUS: Cost of suggested scrutiny structure	£ 4,051.96
	<hr/>
Total Cost Resulting From Option C	£ 16,644.69
Total Costs for Current EMAP & Scrutiny Structure = £17,197.23	
LESS: Total Cost Resulting from Option C	= <u>£16,644.69</u>
Total Saving made with Option C	£ 552.54

Option D No change to costs

Suggested Scrutiny Committees – Individual Terms of Reference

Suggested Scrutiny Committees Their Functions & Remit
<p>Thriving City (Strategic Resources, Performance & Economic Development): In respect of all the Council's strategic and longer term planning and corporate development issues, IT development, corporate targets and objectives, financial processes and day-to-day management of all the Council's internal resources, including finance, staffing and property, regional issues, together with the review of service performance relating to economic development, including assessing the impact of skills and training and the economic quality of life in the City. Plus, any special issues which may arise from time to time particularly those matters not falling within the specific remit of any other Scrutiny Board</p> <p><u>Remit</u> Corporate and strategic planning, Corporate and Best Value Performance Plans, corporate targets, Democratic Services, Local Ombudsman reports, performance indicators, Local Strategic Partnership, LAA, the budget setting process, budget monitoring, estates and facilities management, contracts, the purchase and disposal of property, staff management, personnel issues, corporate support services and the implementation of the Council's equalities policies. Plus, responsible for supporting the achievement of those LAA priority targets identified in the table below</p>
<p>Adult Health & Community Care In respect of the planning, policy development and monitoring of service performance and related issues together with other general issues relating to adult and community care services, within the Neighbourhoods area of Council activity and Adult Education services. To scrutinise as appropriate the various local Health Services functions, with particular reference to those relating to the care of adults.</p> <p><u>Remit</u> Community care, older people, mental health and disabilities and adult residential and day care services and home support services, Adult education, community and adult lifelong learning, and constituent parts of the local Health Services with particular reference to adults. To involve where relevant, the expertise of individuals who are neither Members nor Council officers Plus, responsible for supporting the achievement of those LAA priority targets identified in the table below</p>
<p>Planning & Culture In respect of the planning, development and monitoring of service performance and other issues in respect of the area of Council activity relating to planning, wider environmental issues, culture, leisure</p> <p><u>Remit</u> development, regulatory services, planning and transportation, culture, leisure and associated leisure trusts, parks and countryside Plus, responsible for supporting the achievement of those LAA priority targets identified in the table below.</p>

Suggested Scrutiny Committees – Individual Terms of Reference

Neighbourhoods & Sustainability

In respect of the planning, development and monitoring of service performance and other issues in relation to the provision and development of successful neighbourhoods and local environmental issues in the City.

Remit

Housing and successful neighbourhoods strategy, Area Action, social inclusion, crime and disorder, environmental management housing management, delivery of the relevant corporate strategies, and neighbourhood services, (including cleaning, catering, transport and CCTV). Client and provider functions for Streetscene and Markets. To involve, where relevant, the expertise of individuals who are neither Members nor Council officers

Plus, responsible for supporting the achievement of those LAA priority targets identified in the table below

Children & Young People

In respect of the planning, policy development and monitoring of service performance and other general issues relating to learning and attainment and the care of children and young people within the Children's Services area of Council activity. Plus, to scrutinise as appropriate the various local Health Services functions, with particular reference to those relating to the care of children.

Remit

Early years, schools and school effectiveness, access and inclusion, Pupil support, Post-16 learning, employment and youth services. Connexions, safeguarding / child protection, inspection preparation and post inspection action, children's services, including children's family services and family learning, children in need, children's residential services, family placement, family support, children and young people with disabilities and Hospital social work, children's health services, including the services provided by the Hospital and the NHS Foundation Trust. To involve statutory non-Council Members as appropriate and, where relevant, the expertise of individuals who are neither Members nor Council officers

Plus, responsible for supporting the achievement of those LAA priority targets identified in the table below

Suggested Scrutiny Committees – Individual Terms of Reference

Priority	NI	Indicator(s), including those from national indicator set (shown with a *)	Scrutiny Committee responsible for supporting the achievement of the target
Local improvement Targets			
Inclusive City	NI1	% of people who believe people from different backgrounds get on well together in their local area*	Thriving City
Inclusive City	NI4	% of people who feel that they can influence decisions in their locality*	Thriving City
Inclusive City	NI6	Participation in regular volunteering *	Thriving City
Inclusive City	NI7	Environment for a thriving third sector*	Thriving City
City of Culture	NI8	Adult participation in sport *	Planning & Culture
Safer City	NI16	Serious acquisitive crime rate*	Neighbourhoods. Safety & Sustainability
Safer City	NI17	Perceptions of anti-social behaviour*	Neighbourhoods. Safety & Sustainability
Safer City	NI19	Rate of proven re-offending by young offenders*	Neighbourhoods. Safety & Sustainability
Safer City	NI30	Re-offending rate of prolific and priority offenders*	Adult Health & Community Care Neighbourhoods. Safety & Sustainability
Safer City	NI38	Drug-related (Class A) offending rate*	Adult Health & Community Care Neighbourhoods. Safety & Sustainability

Suggested Scrutiny Committees – Individual Terms of Reference

Safer City	NI39	Alcohol-harm related hospital admission rates*	Adult Health & Community Care Neighbourhoods. Safety & Sustainability
Safer City	NI47	People killed or seriously injured in road traffic accidents*	Neighbourhoods. Safety & Sustainability
Healthy City	NI56	Obesity among primary school age children in year 6*	Children & Young People
Learning City	NI81	Inequality gap in the achievement of a level 3 qualification by the age of 19*	Children & Young People
City of Culture	NI110	Young people's participation in positive activities*	Planning & Culture Children & Young People
Healthy City	NI112	Under 18 conception rate*	Children & Young People
Safer City	NI115	Substance misuse by young people*	Neighbourhoods. Safety & Sustainability Children & Young People
Inclusive City	NI116	Proportion of children in poverty*	Children & Young People
Learning City	NI117	16 to 18 year olds who are not in education, training or employment (NEET) *	Children & Young People
Healthy City	NI120	All-age all cause mortality rate*	Adult Health & Community Care Neighbourhoods. Safety & Sustainability Children & Young People
Healthy City	NI130	Social care clients receiving Self Directed Support (Direct Payments and Individual Budgets)*	Adult Health & Community Care
Healthy City	NI135	Carers receiving needs assessment or review and a specific carer's service, or advice and information*	Adult Health & Community Care

Suggested Scrutiny Committees – Individual Terms of Reference

Healthy City	NI141	Number of vulnerable people achieving independent living*	Adult Health & Community Care
Thriving City	NI152	Working age people on out of work benefits*	Thriving City Adult Health & Community Care
Inclusive City	NI155	Number of affordable homes delivered (gross)*	Thriving City Neighbourhoods. Safety & Sustainability
Inclusive City	NI156	Number of households living in temporary accommodation*	Thriving City Neighbourhoods. Safety & Sustainability
Learning City	NI163	Working age population qualified to at least NVQ level 2 *	Children & Young People
Thriving City	NI165	Working age population qualified to at least NVQ level 4 *	Thriving City
Thriving City	NI166	Average earnings of employees in the area*	Thriving City
Sustainable City	NI167	Congestion - average journey time per mile during the morning peak*	Planning & Culture
Thriving City	NI171	VAT registration rate *	Thriving City
Sustainable City	NI186	Per capita CO2 emissions in the local area.*	Neighbourhoods. Safety & Sustainability
Sustainable City	NI187	Tackling fuel poverty - people receiving income based benefits living in homes with a low energy rating*	Neighbourhoods. Safety & Sustainability
Sustainable City	NI191	Residual household waste per household*	Neighbourhoods. Safety & Sustainability
Sustainable City	NI197	Improved local biodiversity - active management of local sites*	Neighbourhoods. Safety & Sustainability

Suggested Scrutiny Committees – Individual Terms of Reference

Local indicators			
Inclusive City	NI54	Services for disabled children*	Children & Young People
City of Culture	NI57	Children's participation in PE and sport*	Children & Young People
Learning City	NI102	Achievement gap between pupils eligible for free school meals and their peers achieving the expected level at Key Stages 2 and 4*	Children & Young People
	NI 111	First time entrants to the Youth Justice System aged 10-17*	Neighbourhoods. Safety & Sustainability Children & Young People
Healthy City	NI128	DELAYED - User reported measure of respect and dignity in their treatment*	Adult Health & Community Care
Healthy City	NI139	People over 65 who say that they receive the information, assistance and support needed to exercise choice and control to live independently*	Adult Health & Community Care
Learning City	NI164	Working age population qualified to at least NVQ level 3*	Thriving City Adult Health & Community Care
Sustainable City	NI188	Adapting to climate change*	Neighbourhoods. Safety & Sustainability
Learning City	-	CYP8.10: % of pupils living in the 30% most deprived areas in the country (IDACI) gaining 5 A*-C, including maths and English, at GCSE	Children & Young People
Thriving City	-	EDE1.4: Maintain percentage difference between York and regional median and 25% percentile figures for residents pay in York (av. gross weekly earnings).	Thriving City
Healthy City	-	HCOP1.1: Reduce health inequalities within the local area, by narrowing the gap in all-age, all-cause mortality	Adult Health & Community Care Neighbourhoods. Safety & Sustainability Children & Young People

Suggested Scrutiny Committees – Individual Terms of Reference

Sustainable City	-	BVPI 219b: Conservation Area Appraisals undertaken	Planning & Culture Neighbourhoods. Safety & Sustainability
City of Culture	-	LLC14: Adult (16+) participation in physical activity (5 times 30 mins a week)	Adult Health & Community Care Planning & Culture
DCSF Statutory targets			
	NI 72	Early Years (EYFSP) – to increase achievement for all children at age 5 *	Children & Young People
	NI 73	Key Stage 2 – to increase proportion achieving level 4+ in both English and maths *	Children & Young People
	NI 74	Key Stage 3 - to increase proportion achieving level 5+ in both English and maths *	Children & Young People
	NI 75	Key Stage 4 – to increase proportion achieving 5 A*-C grades at GCSE and equiv incl GCSE English and Maths*	Children & Young People
	NI 83	Key Stage 3 – to increase proportion achieving level 5 in science *	Children & Young People
	NI 87	Attendance – to reduce persistent absentee pupils in secondary schools	Children & Young People
	NI 92	Early Years (EYFSP) – to narrow the achievement gap at age 5	Children & Young People
	NI 93	Key Stage 1-2 – to improve proportion progressing 2 national curriculum levels in English*	Children & Young People
	NI 94	Key Stage 1-2 - to improve proportion progressing 2 national curriculum levels in Maths*	Children & Young People

Suggested Scrutiny Committees – Individual Terms of Reference

NI 95	Key Stage 2-3 - to improve proportion progressing 2 national curriculum levels in English*	Children & Young People
NI 96	Key Stage 2-3 - to improve proportion progressing 2 national curriculum levels in Maths*	Children & Young People
NI 97	Key Stage 3-4 - to improve proportion progressing equivalent of 2 national curriculum levels in English*	Children & Young People
NI 98	Key Stage 3-4 - to improve proportion progressing equivalent of 2 national curriculum levels in Maths*	Children & Young People
NI 99	Children in care – to increase proportion achieving level 4+ in English at Key Stage 2	Children & Young People
NI 100	Children in care – to increase proportion achieving level 4+ in maths at Key Stage 2	Children & Young People
NI 101	Children in care – to increase proportion achieving 5 A*-C grades at GCSE and equiv incl GCSE English and maths	Children & Young People
	Attendance – to reduce persistent absentee pupils in primary schools	Children & Young People

City of York Council

Committee Minutes

MEETING	SCRUTINY MANAGEMENT COMMITTEE
DATE	17 NOVEMBER 2008
PRESENT	COUNCILLORS GALVIN (CHAIR), ASPDEN, FRASER (AS SUBSTITUTE FOR BLANCHARD), SCOTT (FROM 5.20PM, FOR PART OF ITEM 4 AND ITEMS 5-6), SIMPSON-LAING, TAYLOR, R WATSON (FROM 5.15PM, FOR PART OF ITEM 4 AND ITEMS 5-6) AND WAUDBY
APOLOGIES	COUNCILLOR BLANCHARD

PART B - MATTERS REFERRED TO COUNCIL

25. REVIEW OF THE COUNCIL'S OVERVIEW AND SCRUTINY FUNCTION

Members received a report which set out the findings to date of a project, undertaken by officers within the Democratic Services Team, to review the existing arrangements at City of York Council for fulfilling the legislative requirements for facilitating Overview and Scrutiny within the council. It considered the existing arrangements at York in the light of recent research and experience from other authorities, sought to highlight some key areas of variation and went on to present potential alternatives to the current scrutiny structure within the council. It asked Scrutiny Management Committee to consider a revised structure, in order to simplify the existing arrangements by bringing them more in to line with other authorities and to make more effective use of the limited resources available.

The report presented the following options for consideration:

- Option A – To remove the existing Scrutiny Committees from the structure and give authority to each of the Executive Member Advisory Panels (EMAPs) to carry out all of the scrutiny function in relation to the services under their individual portfolio areas;
- Option B – To replace the existing Scrutiny Committees with an increased number of alternative Scrutiny Committees, and remove EMAPs from the decision making structure;
- Option C – To replace the existing Scrutiny Committees with an increased number of alternative Scrutiny Committees, and retain EMAPs, for the recording of Executive Member decisions, but clearly define their role to ensure they do not undermine the scrutiny function;
- Option D – To make no change to the Scrutiny Committees and decision making structure, but clearly define the role of EMAPs to ensure they do not undermine the scrutiny function and allow for policy development work (currently considered by EMAPs in part) to be considered by Scrutiny Management Committee instead, in line with Section 21 of the Local Government Act 2000, with Executive Member decisions continuing to be recorded at EMAPs.

Options A-C would also involve the removal of the Strategic Policy Panel from the structure. If none of the options were adopted, some changes would still be needed to the current structure to meet the requirements of existing or forthcoming legislation.

Some Members supported Option B and expressed the view that it provided clarity in the roles of the different bodies and individuals in the decision making structure, and a properly resourced scrutiny function to hold the Executive to account. Other Members supported a version of Option C, modified to strengthen the status and increase the resourcing of scrutiny, on the grounds that EMAPs had an important discursive role and provided an opportunity for backbench and minority group members to be informed of and comment on items for decision.

RECOMMENDED: That Option B be adopted and a Committee of Council be formed to consider the detailed implementation of this model and the constitutional changes required.¹

REASON: To improve the Council's Overview and Scrutiny function.

[Note: Councillors Aspden, R Watson and Waudby requested that their votes against the recommendation to Council above be recorded.]

Action Required

1 - To refer to Council.

GR

Councillor J Galvin, Chair

[The meeting started at 5.00 pm and finished at 6.25 pm].



Full Council

27 November 2008

Report of The Head of Civic, Democratic & Legal Services

Allocation of Local Choice Function – Approval of Local Area Agreement

1 Summary

- 1.2 The existing constitutional arrangements at City of York Council regarding the approval of the Local Area Agreement (LAA) allocate that function to Full Council. The function is a 'local choice' function which means that it can be allocated, by Full Council, to be undertaken by the Executive.
- 1.3 It is the view of officers engaged in the LAA process that allocating the function to the Executive will make the process of approval of whole revisions or refreshes of the LAA, easier to manage. Consequently this report recommends that the function be allocated to the Executive. However, the report also sets out the option of council retaining the functions but delegating them to a committee which would also achieve the objectives identified by officers.

2 Background

- 2.2 A The Local Government and Public Involvement in Health Bill received royal assent in October 2007. This introduced a statutory duty for all top tier local authorities to produce a Local Area Agreement (LAA) and to move the existing LAA (period 2007/08 – to 2009/10) to a 'new' LAA, or LAA2, (period 2008/09 – to 2010/11).
- 2.3 It was specified that the revised LAA would include up to 35 indicators from a new national indicator set of 198 and 17 statutory indicators on educational attainment (which are included in the new national set). In addition, the 'new' LAA could also include local indicators (selected from the new national set or otherwise) to reflect local priorities. There is now no other way of setting targets with central government and there is a statutory duty for specified partners to cooperate in the delivery of the LAA.
- 2.4 The functions relating to the LAA such as agreeing the content and approving the draft for signature have been designated as "local choice" functions which means that they may be undertaken by the Executive or by Full Council. However, it is a matter for Full Council as to how the functions are allocated.

2.5 Central Government have requested that a 'refreshed' LAA should be submitted by the end of March 2009 that finalises any outstanding issues in respect of data and, if necessary, updates baselines and targets. The refresh process will require areas to submit a revised LAA (whether there are any revisions or not) by end of March 2009. All of the previous requirements relating to sign off by a Council in respect of the 'local choice' functions will continue to apply.

2.6 The process for seeking approval and amendment of the LAA is more cumbersome where it is undertaken by full council partly due to the fact that the regularity of meetings is significantly less and partly the fact that full council, as a forum, does not lend itself to the consideration and development of this type of document. It is therefore recommended that Full Council allocate this function to the Executive to make the management of the LAA refresh process more manageable and proportionate.

3 Options

3.2 The process of developing and signing off the LAA could be retained as a full council function and if this were the case Full Council may wish to delegate these functions to a committee.

4 Implications

4.2 **Legal:-** The Local Government Act 2000 introduced a system of categorising the functions undertaken by local authorities into those that could only be undertaken by Full Council, those that could only be undertaken by the Executive, those that could only be undertaken jointly by Full Council and the Executive and lastly, those functions that could be undertaken by either Full Council or the Executive. This last category are known the 'Local Choice' functions and they may be allocated to the Executive by decision of Full Council. In the absence of such a decision the default position is that they remain Full Council functions.

4.3 The various functions involved in the development and approval of the LAA are included in Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended and, as such, are 'Local Choice' functions which Full Council may allocate.

4.4 **HR:-** There are no HR implications arising from this decision if implemented.

4.5 **Finance:-** There are no financial implications arising from this decision if implemented.

5 Recommendations:-

5.2 That full council allocate to the Executive the functions relating to the LAA, as listed in para 22 Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.

5.3 The Monitoring Officer is authorised to make the necessary amendments to the constitution to give effect to this recommendation.

Author:
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Chief Officer Responsible for the report:
Chief Officer's name: Quentin Baker
Title: Monitoring Officer

Report Approved *tick* **Date** *Insert Date*

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Specialist Implications Officer(s)
Legal:- Quentin Baker
HR:-
Finance:-

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

All *tick*

For further information please contact the author of the report

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Membership of Committees, Working Groups and Outside Bodies**Committees / Council bodies**Housing and Adult Social Services Advisory Panel

To appoint Cllr Hyman, in place of Cllr Sunderland

City Strategy Advisory Panel

To appoint Cllr Sunderland, in place of Cllr Hyman

To appoint Cllr Firth as 2nd Lib Dem substitute, in place of Cllr Sunderland

Young People's Working Group

To appoint Cllr Looker, in place of Cllr Blanchard

Scrutiny Management Committee

To appoint Cllr Pierce as Vice Chair, in place of Cllr Blanchard

To remove Cllr Blanchard from the Committee

Education Scrutiny Committee

To appoint Cllr Bowgett (previously a substitute), in place of Cllr Blanchard

Planning Committee

To appoint Cllr Bowgett as 3rd Labour substitute, in place of Cllr Blanchard

East Area Planning Sub Committee

To appoint Cllr Bowgett as 3rd Labour substitute, in place of Cllr Blanchard

School Admissions Appeals Panellists

To appoint Mike Withers as a new panellist

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