



**Notice of meeting of  
Community Safety Overview & Scrutiny Committee**

**To:** Councillors Bowgett (Chair), Gillies (Vice-Chair), King, Orrell, Vassie, B Watson and Sue Galloway

**Date:** Tuesday, 1 December 2009

**Time:** 5.00 pm

**Venue:** The Guildhall, York

**AGENDA**

**1. Declarations of Interest**

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

**2. Minutes** (Pages 3 - 6)

To approve and sign the minutes of the meeting of the Committee held on 22 September 2009.

**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 Committee's remit can do so. The deadline for registering is **Monday 30 November 2009 at 5.00 pm.**

**4. Update on the Management Changes Within North Yorkshire Police** (Pages 7 - 14)

This report presents information on the management changes which have now been implemented within North Yorkshire Police, and an analysis by the Safer York Partnership of the possible advantages and disadvantages to York.

**5. 2009/10 Second Monitoring Report - Finance (Pages 15 - 30) and Performance**

This report presents two sets of data:

- The latest projections for revenue expenditure for the Neighbourhood Services portfolio
- Progress against the directorate plan priorities and key performance indicators

**6. Feasibility Report on Possible Review of the Council's Alleygating Policy (Pages 31 - 54)**

This report presents the Council's current policy on alleygating for Members' information and asks Members to consider whether they wish to carry out a review of that policy.

**7. Workplan 2009-10 (Pages 55 - 66)**

Members are asked to review the Committee's workplan for 2009-10.

The Executive Leader and the Executive Member for Neighbourhood Services have been invited to attend the meeting to report on forthcoming priorities and to discuss the committee's workplan in relation to the Executive Member's portfolio.

**8. Urgent Business**

Any Other Business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Jayne Carr

Contact Details:

Telephone – (01904) 552030

Email – [jayne.carr@york.gov.uk](mailto:jayne.carr@york.gov.uk)

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

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

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### Further information about what's being discussed at this meeting

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### **Holding the Executive to Account**

The majority of councillors are not appointed to the Executive (40 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Decision Session) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

### **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

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MEETING	COMMUNITY SAFETY OVERVIEW & SCRUTINY COMMITTEE
DATE	22 SEPTEMBER 2009
PRESENT	COUNCILLORS BOWGETT (CHAIR), GILLIES (VICE-CHAIR), KING, ORRELL, SUNDERLAND, VASSIE AND B WATSON

#### 10. DECLARATIONS OF INTEREST

Members were asked to declare any personal or prejudicial interests they may have in the business on the agenda.

Councillor King declared a personal non-prejudicial interest as a Member of the Fire and Rescue Authority.

#### 11. MINUTES

RESOLVED: That the minutes of the meeting of 7 July 2009 be confirmed and signed by the Chair as a correct record.

#### 12. PUBLIC PARTICIPATION

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

#### 13. WORKPLAN REPORT

Members received a report that presented the current workplan of the Committee for 2009/10. Consideration was given to updating the workplan to include topics for possible scrutiny review.

It was noted that when the Effective Organisation Overview and Scrutiny Committee had considered the Corporate Year-end Performance and Financial Report for 2008/9, they had raised concerns regarding the information pertaining to graffiti and litter. They had referred this matter to Scrutiny Management Committee (SMC) for clarification as to which overview and scrutiny committee had the remit to deal with this issue. SMC had identified the Community Safety Overview and Scrutiny Committee as the committee responsible and had requested that this be considered as a possible topic for review.

Members were informed that, in June, the first of three planned surveys for the year on litter, detritus, graffiti and fly-posting had been carried out. The results of the survey were detailed in paragraphs 39-42 of the "First

Monitoring Report – Finance and Performance” (minute 14 refers). The findings had been favourable in terms of graffiti and litter but less encouraging in respect of detritus. Officers reported on the action that was being taken to tackle these issues, including a particular focus on the removal of detritus in terraced streets. It was agreed that it would be helpful to await the results of the next survey before determining whether to proceed with a review on the issues surrounding graffiti and litter.

Concerns were expressed regarding proposed changes to the organisation and staffing structures for North Yorkshire Police. It was envisaged that this would result in the situation whereby there was no longer a Chief Superintendent based in York. Members expressed concern that the proposed arrangements may be detrimental to the city and have an adverse effect on crime figures. It was agreed that the policing arrangements for York through to 2012 was an issue that the committee may wish to review.

It was suggested that the issue of alley gating was a topic that the committee may also wish to consider but that further information was required before making a decision as to whether to proceed with a review.

RESOLVED: That the workplan be updated to include the following items:

- An officer report on the policy on alley gating to be presented at the meeting on 1 December 2009.
- An item on the policing of York through to 2012 to be included on the agenda for the meeting on 1 December 2009.
- An item on graffiti and litter to be included on the agenda for the meeting of 19 January 2010.

REASON: In order to progress the work of the Committee.

#### **14. FIRST MONITORING REPORT - FINANCE AND PERFORMANCE**

Members received a report that presented two sets of data:

- (i) The latest projections for revenue expenditure for the Neighbourhood Services portfolio.
- (ii) Progress against the directorate plan priorities and key performance indicators.

Officers gave details of the significant variances to the budget (as outlined in paragraph 7 of the report) and responded to Members' questions as to the actions that were being taken to address these issues.

Members questioned officers on issues referred to in the report and were updated on the following:

- Security at Towthorpe HWRC
- Delays in the construction of the Silver Street toilets

- The Elvington Airfield case
- Equality Impact Assessments<sup>1</sup>
- Waste collection and recycling

RESOLVED: That the Scrutiny Committee noted the financial and performance position of the portfolio.

REASON: In accordance with budgetary and performance monitoring procedures.

Action Required

1. Email information on the EIAs undertaken to Members of MD the Committee

**15. NEIGHBOURHOOD SERVICES CAPITAL PROGRAMME MONITOR 1**

Members received a report that:

- (i) Informed the Scrutiny Committee of the likely outturn position of the 2009/10 Capital Programme based on the spend profile and information to June 2009;
- (ii) Notified Members of any resulting changes to the programme;
- (iii) Informed the Scrutiny Committee of any slippage and associated funding to be slipped between the relevant financial years to reflect this.

Members questioned officers on issues referred to in the report and were updated on the following issues:

- Highway resurfacing arrangements
- Verge maintenance
- Street lighting

RESOLVED: That the Scrutiny Committee noted:

- (i) The 2009/10 revised budget of £6.429m as set out in Table 2 of the report.
- (ii) The additional grants for Detrunking and Air Quality Monitoring.
- (iii) The transfer of £443k from City Strategy for Structural Maintenance.
- (iv) The slippage of £8k on Silver Street Toilet into future years.

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

Chair

[The meeting started at 7.00 pm and finished at 8.40 pm].

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Community Safety Overview & Scrutiny  
Committee

1 December 2009

Report of the Head of Civic, Democratic & Legal Services

## **Update on the Management Changes Within North Yorkshire Police**

### **Summary**

1. This report presents information on the management changes which have now been implemented within North Yorkshire Police, and an analysis by the Safer York Partnership of the possible advantages and disadvantages to York.

### **Background**

2. At the last meeting of this Committee in September 2009, Members raised the issue of the proposed changes to the organisation and staffing structures for North Yorkshire Police through to 2012, which would result in Chief Superintendent who is currently based in York, being transferred to police HQ at Newby Wiske, and the area commander being at Superintendent level. Members expressed concern that the proposed arrangements may be detrimental to the city and have an adverse effect on crime figures.
3. Members agreed that the resulting affects arising from the forthcoming changes may be suitable for scrutiny review, in line with their responsibilities relating to the Crime & Disorder (Overview & Scrutiny) Regulations 2009, and therefore requested that an information report be presented at this meeting in order to inform that decision.

### **Consultation**

4. The information in Annexes A & B was originally presented to the Chief Executive and Group Leaders at a meeting on 13 October 2009. Annex A was provided by the new Assistant Chief Constable for North Yorkshire Police, and Annex B was provided by the SYP team, giving their perspective on the proposed changes. The Assistant Director of Neighbourhoods & Community Safety will be in attendance at the meeting to assist in answering any questions the committee may have in relation to the information provided.

### **Options**

5. Having considered the information in the annexes, Members may choose:

- i. To request additional information to inform their decision on whether a scrutiny review is required
- ii. To agree that a review of this topic is not feasible at this time
- iii. That this topic is not suitable for scrutiny review

## **Analysis**

6. In relation to crime & disorder, the role of this Committee is to 'review or scrutinise decisions made, or other actions taken, in connection with the discharge by the responsible authorities (in this instance the Police), of their crime and disorder functions.
7. This means the Committee can review the effects of the changes to North Yorkshire Police's organisation and staffing structures on the level of crime and anti-social behaviour in the City, but does not have the power to look at the decision to make those changes. And, until sufficient time has passed for the effects of the changes to become clear, it would be difficult to gather information to support a review of this nature.

## **Corporate Strategy**

8. A review of the effects on the city of the changes to North Yorkshire Police's organisation and staffing structures, would be in line with this Committee's terms of reference, and would support the Council's corporate strategy to make York a safer city i.e. 'we want York to be a safer city with low crime rates and high opinions of the city's safety record'.

## **Implications**

9. There are no known Financial, HR, Equalities, Legal, ITT, Property of Other implications associated with the recommendation in this report.
10. **Crime and Disorder** – Although there are no Crime & Disorder implications associated with the recommendation in this report, there may be implications to the City associated with the changes to be made to the organisation and staffing structures for North Yorkshire Police through to 2012. At this stage however, it is not possible to quantify exactly what they will be.

## **Risk Management**

11. There are no known risks associated with the recommendation in this report.

## **Recommendations**

12. Members are asked to note the contents of the report and agree how they wish to proceed in regard to this possible scrutiny topic.

Reason: To inform the work planning for this Committee

**Contact Details**

**Author:**

Melanie Carr  
Scrutiny officer  
Scrutiny Services  
Tel No.01904 552063

**Chief Officer Responsible for the report:**

Alison Lowton  
Interim Head of Civic, Democratic & Legal Services

**Report Approved**



**Date** 20 November 2009

**Specialist Implications Officer(s)** N/A

**Wards Affected:**

**All**



**For further information please contact the author of the report**

**Background Papers:** None

**Annexes**

**Annex A** – North Yorkshire Police Briefing Paper

**Annex B** – Safer York Partnership – Perspective on Proposed Changes

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**North Yorkshire Police Briefing Paper**  
**Towards 2012: The Next Steps**

## **1. Purpose**

- 1.1 This briefing provides an overview of work undertaken by North Yorkshire Police (NYP) as part of the 'Towards 2012: The Next Steps' programme. This document gives an outline of the background to the work and highlights the key points of interest for the City of York.

## **2. Background**

- 2.1 This work explored how best to deliver policing services to the people of North Yorkshire and the City of York, whilst realising value for money and improving service delivery. It has been informed by the need to ensure NYP is in a position to achieve our mission '*To deliver the best possible policing service for communities of North Yorkshire and the City of York*' and to enable us to realise our vision of '*Safe and Secure Communities*' and ultimately meet our five Strategic Priorities of:

- Safer Neighbourhoods
- Safer Roads
- Stronger Partnerships
- Safeguarding our Communities against Terrorism, Domestic Extremism and Serious Crime
- Sustainable NYP

- 2.2 The programme is about enabling the delivery of '*modern policing in a traditional way*' through placing policing at the heart of our communities and ensuring that our officers are fully supported to deliver the most effective and efficient service possible.

### **2.3 Drivers**

- 2.3.1 There is substantial evidence that neighbourhood policing is effective in reducing crime and anti-social behaviour and increasing public confidence and satisfaction. NYP is committed through its policing model to further strengthen the delivery of local policing, ensuring it is as responsive as possible to local needs. A comprehensive literature review and environmental scanning has identified a number of additional drivers for change. These include pressure on NYP to:

- Deliver locally tailored, citizen focused policing services to improve public confidence whilst meeting regional, national and international requirements;
- Work in partnership with other public services and agencies to engage with and respond to community priorities, particularly within the framework of Crime and Disorder Reduction Partnerships (CDRPs);
- Deliver an improved service whilst realising efficiencies and delivering value for money

### **3.1 Understanding Demand for Policing Services**

- 3.1.1 The team undertook detailed demand modelling analysis. This involved identifying the services which are required by the public, including their priorities, and identifying patterns and trends in how demand for these services varies over geography and on an hourly, daily, weekly, monthly and annual basis. This

involved analysis of skills required to manage demand and has thus informed a detailed understanding of what people we need, with what skills, in what places and when in order ensure the public continue to receive an effective policing service.

### 3. Key Points of Note

#### 3.3 City of York

- 3.3.1 The review supports the need for Safer Neighbourhoods to form the bedrock of policing in NYP. It was found that moving away from the current Basic Command Unit structure would help to further embed and develop Safer Neighbourhoods to enable NYP to meet those future challenges highlighted in paragraph 2.3.1.
- 3.3.2 There will be six Safer Neighbourhood Commands (SNCs) across the force area, including one SNC at York and one SNC at Selby. The current Superintendent at York will be the Safer Neighbourhood Commander, with a Chief Inspector at Selby. The number of Inspector led Safer Neighbourhood Areas and the number of Sergeant led Safer Neighbourhood Teams will remain the same across the two commands. These SNCs will come under one directorate named 'Response and Reassurance'. Each SNC will be sufficiently resourced to allow normal or expected demand to be effectively managed on a day-to-day basis.
- 3.3.3 Levels of command for each SNC have been determined by the demand analysis which has identified the range of complexity within the districts. This indicates the volume and impact of critical incidents and takes account of geographical demands and local demands in relation to partnership working. The new directorates and Strategic Leadership Team (SLT) are in the process of ensuring the correct representation is present across all our strategic partnership meetings. This provides the opportunity for NYP to achieve the right strategic match between NYP representatives within partnerships such as York's 'Without Walls'. The Chief Constable will be the key NYP representative for 'Without Walls' with the Chief Finance Officer fulfilling a deputy role.
- 3.3.4 The six SNCs will come under the 'Response and Reassurance Directorate', led by Chief Superintendent Ali Higgins. This directorate will also be responsible for the Force Control Room (FCR) and for the long-term strategic development of reassurance and partnership working. In this way, there are real opportunities to improve the quality of service to our communities and their confidence in us by consolidating those services which form the initial stages of our customers' experience with us under the same directorate.
- 3.3.5 Assistant Chief Constable Tim Madgwick has the strategic portfolio for Safer Neighbourhoods Policing, with Chief Superintendent Ali Higgins as the director of the 'Response and Reassurance' directorate. Both have operated as Area Commander for 'Central Area' which has historically contained the City of York and the district of Selby.
- 3.3.6 Without the constraints of the BCU structure, front-line officers and staff will have the flexibility and autonomy to work within and be coterminous with local partnership structures, benefiting from a more streamlined decision making process between directorates and a corporate standard across the SNCs. Commanders will have devolved operational responsibility for Response and Safer Neighbourhood Policing, giving them the flexibility to tailor local working practices to the needs of local communities.

**TOWARDS 2012 NORTH YORKSHIRE POLICE RESTRUCTURE**  
*POINTS FOR CONSIDERATION FOR YORK*

**Possible Advantages**

- Policing district becomes York only. This means complete co-terminosity with the Local Authority.
- As the focus is on individual districts, data is more likely to be readily available for York only, removing the complication of some information that is reported as Central Area York and Selby
- From the JSIA (Joint Strategic Intelligence) perspective, the document will relate to York therefore again removing the complication of discussions cross border with Selby
- The Police Authority has moved to formula funding for their grant. If NYP follow suit this can only advantage York as we have the force priority neighbourhoods and proportionately more crime than anywhere else in force
- The NYP representative on the LSP is likely to be the Chief Constable or Deputy

**Areas of possible concern**

1. The changes are aimed at making efficiencies. Part of that process is the reduction of senior police posts based in York. Each District is allocated a rank of supervision deemed appropriate to its size/crime volume etc. York is therefore deemed to be Superintendent led. This is a reduction from Chief Superintendent therefore reducing the level of seniority in command of policing the city.
2. The current Senior Management team in York is 1x Chief Supt, 1x Superintendent (Operations), 1x Detective Chief Insp, 1x Chief Insp (Response), 1x Chief Insp (SNT). Under the new structure this reduces to 1x 'Commander' at Superintendent level, 1x DCI, 1x Chief Insp. This represents a perceived loss of 1x Chief Superintendent and potentially 1x Chief Insp SNT. The police senior management in York is significantly affected when a major incident occurs e.g. Claudia Lawrence; that abstracts resource. The impact on the Neighbourhood Support Team and DCI's abstraction to current major ops affects deployment of specialist equipment etc and/or dialogue with the Safer York Partnership task groups. Reducing staffing further may result in less collaboration.
3. The District Commander will be a Superintendent. Currently the role of Superintendent (Ops) carries a large workload. It has responsibility for day-to-day policing plus any serious/major incidents. This officer will also be expected to pick up the liaison with partners, for example the CDRP/DAAT, and it is currently proposed that this officer be elected Chair of the CDRP/DAAT. (This will be in lieu of the Chief Superintendent who is relinquishing the chair as a result of moving back to HQ). However the Superintendent currently chairs the York DAAT JCG, but has now indicated an intention to stand down. Taking into consideration annual leave entitlement, abstraction for major incidents, Superintendent night cover 1 in 5 weeks plus the need to attend meetings at HQ, the capacity for the force to maintain the current level of close partnership working is of concern.
4. The Director of the SYP (Jane Mowat) also currently meets monthly with the Chief Superintendent. She also meets the Chief Insp. SNT & three SNT Inspectors. Under

current resource arrangements the Chief Insp SNT is often unavailable. This has proved problematic in relation to lack of leadership for SNTs e.g. The Chief Inspector making a decision that all SNTs will/will not take a particular stance/perform a particular role. This had lead to ad-hoc arrangements across all 3 SNTs and often impacts on SYP in terms of the team trying to keep a track of issues. Again, the impact of the changes may mean that this situation may be more acute. It is also not clear what future role the Chief Inspector (SNT), who covers York & Selby, will perform

### **Safer York Partnership Team**

*York currently has the following NYP staff seconded to SYP*

*1 x Sgt on 6 month secondment  
2 x PCs P/T Youth Action Officers  
1 x ASB Co-ordinator (Civilian)  
1 x ALO (Civilian)  
1 x Operational Support Officer (Admin)*

plus a Domestic Violence Co-ordinator who works from the SYP office but is line managed by the PVP (Protection of Vulnerable Persons) Unit.

***The Sgt** is a key role in the team providing operational input & link between SYP, the SNTs and Response teams and also providing police input to partners*

***The Youth Action Officers** will have a crucial role to play in the implementation of Restorative Justice as the link point between SNT/Response and the means of undertaking a restorative approach to dealing with a crime as opposed to enforcement. There is no capacity to do this without these roles and it would result in chaos if SNT/Response were to try and do this themselves.*

***The ASB Co-ordinator** plays a crucial role in quality controlling file submissions for Orders and driving the local policy around tackling ASB.*

***The ALO** role in York is crucial to liaising with planner/developers on new build but also providing target hardening advice and guidance to SYP task groups.*

***The Operational Support Officer.** In the last four years there has been a reduction from 3 x admin staff supporting SYP and the co-located policing staff (around 40 individuals) to one. The SYP cannot afford to lose this post.*

- The impact of the policing changes within the SYP, either directly in terms of any reduction in seconded staff, or indirectly through increased responsibilities cascading down as a result of reduced capacity, is not clear.





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## Meeting of the Community Safety Overview and Scrutiny Committee

1 December 2009

### Report of the Director of Neighbourhood Services

#### 2009/10 SECOND MONITORING REPORT – FINANCE & PERFORMANCE

##### Summary

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

##### Background

2. Service provision and financial performance are strongly linked. This paper reports on service and financial performance for the first quarter of 2009/10. The Scrutiny Committee will normally receive three monitoring reports during the year.

##### Management Summary

###### Financial Overview

###### Revenue

3. The Neighbourhood Services portfolio is forecasting an overspend of £292k after identification of in year savings of £200k. This is a variation of 0.9% of the net expenditure budget.
4. The current general fund revenue budget for the Neighbourhood Services Portfolio is £30.95m, including the budget contribution to Safer York Partnership.
5. Current projections for the general fund portfolio show expenditure of £31.24m compared to budget, an overspend of £292k which represents a variation of 0.9% on the net expenditure budget.
6. The financial position for each General Fund service area is dealt with separately in the following sections. The overall position can be summarised as follows:

	Exp Budget	Income Budget	Net Budget	Forecast	Var'n	Var'n
	£000	£000	£000	£000	£000	%
Env Health & Trading Standards	3,063	(970)	2,093	2097	4	0.01
Licensing & Regulation	700	(721)	(21)	(37)	(16)	76.19
Bereavement Services	465	(1,347)	(882)	(831)	51	-5.78
Registrars Service	398	(375)	23	8	(15)	-65.22
Neighbourhood Management	1,297	(379)	918	905	(13)	-1.42
Ward Committees	1,145	(0)	1,145	1,145	0	0.00
Building Maintenance	7,178	(7,029)	149	149	0	0.00
Highways Maintenance	19,091	(7,870)	11,221	11,221	0	0.00
Waste Services	14,356	(5,041)	9,315	9,690	375	4.03
Cleaning	3,344	(3,135)	209	209	0	0.00
Neighbourhood Pride Service	6,407	(3,854)	2,553	2,653	100	3.92
Parking Services	3,551	(642)	2,909	2,941	32	1.1
Enforcement and Environment	644	(5)	639	639	0	0.00
Contribution to Safer York Partnership	355	(0)	355	355	0	0.00
Transport & Overheads	5,009	(4,684)	325	99	(226)	-30.46
General Fund Total	67,003	(36,052)	30,951	31,243	292	0.90

7. Details of the variances are covered later in the report but the significant variances are as follows:

- Unbudgeted legal costs due to the loss of the Elvington Airfield case are expected of £28k.
- An overspend on Bereavement services of £51k due to reduced income and additional costs for maintenance.
- There is an overspend on Landfill Tax of £200k
- Unbudgeted security costs at Towthorpe HWRC are forecast at £75k.
- There is a forecast overspend on Commercial Waste of £100k as income is not projected to achieve target.

- A delay on the construction of the Silver Street Toilets new facility means that £31k of the income target for the year will not be achieved.
- Income from penalty charge notices (PCN's) is forecasting to overspend by £65k.
- An one-off underspend in Transport of £200k on vehicle leases.
- An overspend on the Neighbourhood Pride Service of £93k offset by an underspend on Abandoned cars of £24k.
- Underspends on staffing costs due to vacancy management across the directorate of £86k.

### Performance Overview

#### **Organisational Development (OD) Performance – NS Directorate Plan**

8. The five OD priorities within the Directorate Plan are:
  - Build a healthy organisational culture around staff and customers
  - Safeguard the health, safety and well-being of staff
  - Implement a fair pay structure
  - Build a strong culture of fairness and inclusion
  - Improve financial management and value for money.
9. Key progress during the first half of 2009/10 is set out below:
  - 'Excellence in Everything' programme groups are due to report their findings to DMT on 26<sup>th</sup> November. This will feed into directorate planning for 2010/11.
  - Sickness absence is at 5.73 days per fte in the first half of the year. Forecasting is difficult but for the last few years the second half of the year has been better than the first, and so we are forecasting a figure between 11 and 11.5 days per fte, against a target of 11 days. The outturn figure for last year was 11.25. Figures would be affected by any significant H1N1 (Swine 'Flu) virus outbreak.
  - The number of days lost to stress related illness is forecast at 1.3 to 1.7 days per FTE against a target of 1.6 days. Again this is stable at around last year's level.
  - Health & Safety figures suggest that the RIDDOR accident figures are better than in previous years (10 in first 6 months). This may hit target. The overall number of accidents reported has risen, and is likely to come in around 130-140 (93 last year). We have had 1 dangerous occurrence, and 1 major injury so these targets will be missed.
  - Equality Impact Assessments (EIAs). Good progress has been made, and we can forecast a 100% figure on the EIA programme. Almost all EIAs have been started but a number have not been completed yet.

### **Service Performance**

10. The Directorate leads on six LAA indicators and 40 national performance indicators. Many of these are calculated quarterly, annually or even every two years (Place Survey). A number of other non-statutory indicators are also within the Directorate Plan.
11. The Directorate also leads on a number of the commitments within the Safer City and Sustainable City sections of the Corporate Strategy. The six service priorities within the Directorate Plan cover:
  - Effective community engagement
  - Making York safe
  - Waste management
  - Keeping traffic moving
  - Improve local environmental quality
  - Improve roads and pavements.
12. Key issues include:
  - Those LAA indicators that can be measures are on target.
  - Of 11 corporate strategy actions, 1 has been completed, 8 are on track and 2 are slightly off track due to work on More for York delaying implementation of previous [Easy@York](#) project outcomes.
  - The MoreforYork project blueprint has been signed off and implementation work has now started.
  - 60% of the National PIs that are measurable at this point are on target, while 69% are improving on last year.
  - The amount of residual (ie landfilled) household waste collected in 2009/10 is expected to fall by 7% year on year. The other national performance indicators within Waste Services are not on target but are improving slightly on last year.
  - All 5 national indicators relating to local environmental quality are on target and improving on last year.
  - Overall recorded crime in the first half of 2009/10 has dropped by about 20%, based on the 9906 crimes recorded last year.

### **Financial Performance**

#### **Environmental Health and Trading Standards**

13. The current projection forecasts that this account will overspend by £4k. The variance is as follows:

- Legal fees are forecasting to overspend by £28k in respect of the Elvington Airfield appeal. Costs of losing the High Court appeal are expected to be £10k plus reimbursement of costs of £18k.
- This is offset by vacancies in the Environmental Health and Trading Standards establishment which is expecting to underspend on salaries by £24k.

### **Licensing and Regulation**

14. The current projection forecasts that there will be an underspend of £16k due to staff vacancies.

### **Bereavement Services**

15. This account is expected to overspend by £51k. The variances are as follows:
- The number of cremations are currently down compared to the same time last year and if the profile continues this may give an overspend of £31k for the full year.
  - A major repair has been required to one of the cremators giving an overspend of £10k
  - Medical referee fee charges have increased and the consequential impact is a forecast of £10k overspend.

### **Registrars Service**

16. Registrars are currently experiencing higher levels of income on outside marriages and baby naming packs giving higher levels of income of £15k It is expected that this trend will continue.

### **Neighbourhood Management**

17. Vacancies in the Neighbourhood Management Unit are expected to give an underspend for the year of £13k. This is due to the Head of Service post being vacant during the recruitment process.

### **Ward Committees**

18. The current projection forecasts that there will be no overspend.

### **Building Maintenance**

19. The current projection forecasts that there will be no overspend.

### **Highways Maintenance**

20. The current projection forecasts that there will be no overspend.

### **Waste Services**

21. The current projection forecasts that this account will overspend by £375k. The variances are as follows:

- Landfill Tax is currently forecasting to overspend by £200k. During the 2009/10 budget process it was recognised that there was insufficient budget to cover costs and £400k was included in contingency. Tonnages have reduced due to the credit crunch as fewer consumables are purchased and therefore disposal of packaging has reduced. The forecast overspend of £200k is based on the current position therefore if there is an upturn in the economy these forecasts may increase. The contingency has now been set aside to assist with the overall corporate overspend therefore no further requests from contingency can be made.
- Unbudgeted spend on security at Towthorpe Household Waste Recycling Centre (HWRC) gives a forecasted overspend of £75k. A growth bid was submitted and approved at the 2009/10 budget process to improve security fencing at the site. £83k was included in contingency for additional security whilst the works were undertaken. These works have now been completed however this has not resolved the issue and security patrols are still required. As explained above, this item cannot be requested from contingency.
- The Commercial Waste account is forecasting to overspend by £100k. This is due to reduced income which is in part due to price increases but also a number of national contracts have been lost and a greater number of small businesses are closing during the recession. This is the net position after taking into account the reduced tonnages from collecting less waste.

### **Cleaning**

22. The current projection forecasts that there will be no overspend.

### **Neighbourhood Pride Service**

23. The current projection forecasts that this account will overspend by £100k. The variance is as follows:
- There has been a delay on the construction of the new Silver Street Toilets facility which will replace Parliament Street Toilets. The delay means that the income target will not now be achieved. It is forecast that this will overspend by £31k.
  - The main Neighbourhood Pride account is currently forecasting an overspend of £93k. The grounds maintenance element of this service has recently been restructured with the removal of the client/contractor split and the move to SLA's with departments.
  - The Abandoned Cars account is forecasted at a £24k underspend.

### **Parking Services**

24. The current projection forecasts that this account will overspend by £32k. The variance is as follows:
- Income from Penalty Charge Notices (PCN's) is forecasting to overspend by £65k. This is in line with the trend of last year.
  - This is offset by an underspend due to vacancies of £33k.

## Enforcement and Environment

25. The current projection forecasts that there will be no overspend.

## Transport

26. The current projection forecasts that there will be an underspend of £200k on vehicle leases. This is after identifying in-year savings to assist with reducing the Neighbourhood Services overspend. By delaying the purchase of vehicles by a few months into the next financial year, a saving on the lease can be made. This would be offset by the additional repair costs but should still give a one-off non-recurring saving of £200k which would not place a financial burden on future years.

## Overheads

27. The overhead account is forecasting an underspend of £26k which is due to an underspend on the Depot utilities.

## Directorate Performance

### Performance indicators

28. This section sets out the results of an analysis of NS performance indicators during the first half of 2009/10.

### LAA Indicators

	Total reported	On target?	Improving?	Declining?
LAA Indicators	2 of 6 (33%)	2 of 2 (100%)	2 of 2 (100%)	0 of 2 (0%)

29. Neighbourhood Services has six LAA indicators:
- NPI 4: Community Engagement: Percentage of people who feel they can influence decisions in their locality. This is a Place Survey measure and in 2008/09 the overall figure was 31.7%, which is a top quartile outturn and seventh among Unitary Authorities. Talkabout 33 will ask a question to allow us to track this figure during 2009/10. An action to lead a corporate working group around this indicator has not been achieved due to capacity constraints.
  - NPI 16: Community Safety - Serious Acquisitive Crime. We are seeing a remarkable reduction in the level of acquisitive crime. Data to end September suggests that York will have a 41% reduction in 2009/10 compared with 2008/09. The LAA target is likely to be hit.
  - NPI 17: Community Safety: Concern with Anti-Social Behaviour. This is a measure of the proportion of Place Survey respondents who have significant level of concern about a range of seven types of anti-social behaviour and reported every two years. The 2008/09 outturn figure was 11.3%, top quartile, and third among all Unitary Authorities. Talkabout 33 will ask a question to allow us to track this figure during 2009/10.
  - NPI 30: Community Safety: Reoffending of prolific and priority offenders (PPOs). This is a Probation Service indicator. The latest available data is the year end 2008/09, which shows a reduction of 40% offending from the 2008/09 cohort of 27

PPOs. This exceeds the 20% target. The target for 2009/10 is a 21% reduction, based on a different cohort and thus baseline figure.

- NPI 38: Community Safety: Drug-related (Class-A) offending rate. This is a DAAT indicator, whose introduction was deferred until 2009/10. The performance during 2008/9 was 1.33. Translated, this means that York's very small cohort of 18 individuals (Leeds has a cohort of 544 individuals) committed 83 offences against a predicted level of 62.5 offences – based on home office formula. The target for 2009/10 within the LAA is a ratio of 1.05. York's small cohort means that the figure is harder to influence and is likely to fluctuate significantly.
- NPI 191: Waste Management: Kilograms of residual (i.e. landfilled) household waste collected, per household. The latest available forecast is that we will collect 586kg which puts us on target for year end and on course for a top quartile performance (PWC). This is a forecast 7% reduction on last year, and an acceleration of the rate of decrease seen last year (5% fall).

### **National Performance Indicators (including LAA indicators)**

30. Many of the 40 NPIs owned by Neighbourhood Services are only measured quarterly or annually. However during the period covered by this report (April – June 2009 unless otherwise specified) we can update the position on 14 national indicators.

Overall:

- 60% of the NPIs that had a target set hit are forecast to hit that target (54% at Q1)
- 69% of the indicators are forecast to improve, where we can measure improvement year on year (71% at Q1)

By LSP theme	Total reported	On target?	Improving?	Declining?
Inclusive City NPIs	0 of 2	0 of 0	0 of 0	0 of 0
Sustainable City NPIs	8 of 12 (67%)	6 of 8 (75%)	8 of 8 (100%)	0 of 8 (0%)
Safer City NPIs	8 of 26 (31%)	3 of 7 (43%)	3 of 8 (38%)	2 of 8 (25%)
Overall	Total reported	On target?	Improving?	Declining?
National Indicators set	16 of 40 (40%)	9 of 15 (60%)	11 of 16 (69%)	2 of 16 (13%)

### **Sustainable City**

#### ***Waste Management***

31. NPI191 (LAA – kgs of residual waste collected per household) is forecast to drop to 586kg in 09/10. This equates to a 7% reduction on 08/09 (following a 5% reduction in 08/09). This equates to 3600 fewer tonnes of landfill per year. This LAA target will be exceeded easily. Overall in 2009/10 we will collect 6200 tonnes less household waste, and 9200 tonnes less municipal waste.



32. While collecting less waste is very positive, the reduction has impacted on the two other waste management NPIs, which measure the proportion of waste recycled and reused, and landfilled). While both NPIs are forecast to improve on 08/09, they will miss their targets.
33. NPI 192 – forecast that 45.17% of waste will be reused, recycled or composted against a target of 47.86%. We are likely to recycle, reuse or compost 2900 tonnes fewer this year as last. The recession has seen a shift in buying habits, and particularly noticeable is the reduction in newspapers, magazines and drink bottles and cans which has been a major contributor to this position.
34. NPI 193 – forecast that 54.57% of municipal waste will be landfilled, against a target of 52.62%. We will landfill 5670 tonnes fewer than last year.
35. The figures on NPI192 and NPI193 are counter-intuitive. The targets set for 2009/10, and the forecasts presented here both include assumptions made about the extension of kerbside to 92% of households by March 2010, and the impact of HWRC permit scheme, but not the impact of the recession. The risk is that the slowing of the long term rise in the recycling rate will overshadow the positive context of much less waste being collected and landfilled. The table below provides some figures.

Tonnes of waste:	2008/09	2009/10 forecast	% change
Total household waste collected	96,722	90,242	-6.7%
Total household waste recycled - Kerbside collection down 6.8% - Bring sites down 2.4% - HWRCs down 10.6%	25,559	23,611	-7.7%
Total household waste composted - HWRCs down 15.7% - Kerbside collection down 1.5%	18,092	17,148	-5.2%
Total household waste recycled and composted	43,651	40,759	-6.6%
% of household waste recycled and composted (NPI192)	45.13%	45.17%	
Total municipal waste collected	113,782	104,590	-6.9%
Municipal waste landfilled - household waste landfilled (NPI191) down 6.8%	62,740	57,073	-9.0%
% of municipal waste landfilled (NPI193)	55.14%	54.57%	

### **Waste Collection**

36. While the corporate strategy focuses on strategic elements of waste management, the Directorate Plan also focuses on the quality of service provided to residents. Three key measures allow us to track how well we are doing. All three are stable at or around the performance levels experienced last year, but two are behind the challenging targets set for them this year.
- Missed 42.1 bins per 100,000 collections to the end of September – against a target of 35, and a 2008/09 figure of 41.3. This equates to 925 bins out of 2,199,490 collections in the first half of the year.
  - Put 98.5% of missed bins right by the end of the next working day, against a target of 98%.
  - Received 47 CRM system complaints per month in the 6 months to end September. This is against a target of 40 per month, and a 2008/09 figure of 48.3. Although the overall number of complaints has improved only very slightly, the number of crew related complaints has reduced significantly. This is believed to be partly due to investment in NVQ training.

### **Local Environmental Quality**

37. The second NPI195a-d local cleanliness survey was undertaken in early October 2009. The survey results were very positive across all 4 elements. The table below sets out the results, placing them in context over the past few years. The figures represent the proportion of survey sites where we found unacceptable levels of litter, detritus etc.

	Litter NPI195a	Detritus NPI195b	Graffiti NPI195c	Fly-posting NPI195d
2007/8	7.6%	8.9%	2.3%	0.3%
2008/9	8.9%	11.0%	4.7%	1.1%
2009/10 performance (Survey 1)	4.5%	13.3%	2.6%	0%
<b>2009/10 performance (Survey 2)</b>	<b>3.3%</b>	<b>4.0%</b>	<b>1.9%</b>	<b>0%</b>
2009/10 (year to date)	3.9%	8.7%	2.3%	0%
2009/10 (forecast)	6.5%	9%	2.3%	0%
2009/10 target	7.5%	9%	4%	1%

38. The October 2009 survey results are very pleasing, and for litter and detritus move us back to the levels recorded when barrowman working was introduced in mid 2007. Since the last survey in June 2009, we have taken additional steps to improve performance in areas where the survey was suggesting a problem, such as industrial areas and high density housing areas. In high density housing areas (terraced streets and other streets with high levels of parked cars), we have implemented a second full clean each year, with residents being asked to move their cars to allow cleaning to take place. This is in addition to the street cleansing that goes on around the annual gully clean, where a traffic order is made. Initial findings are that this approach is proving successful, with a large majority of residents happy to help by moving their cars. These resources are being moved from other work.

39. The late winter / early spring survey will be undertaken in February / March 2010. In previous years this has proved the worst survey result, largely due to weather impact on operations, so we remain cautious over the annual outturn. However the additional detritus cleaning will continue over the winter, and at this point we are forecasting that all the targets will be met.
40. Graffiti has returned to its long term trend level, after the blip we saw in mid 2008. Work on a number of education and enforcement initiatives such as the Taagy database, and close working with police appears to have brought the level of graffiti down, but we remain cautious.
41. Fly-tipping levels remain significantly down on last year. In the first half of the year, there were 40% fewer fly-tips, combined with a 4% rise in the level of enforcement activity achieved.

### ***Highways***

42. Since the Highway Maintenance client function transferred over in January 2009, we have concentrated on integrating the service and ensuring continuity. The following Directorate Plan measures can be reported for the first half of the year, and both exceed target:

	2007/8 result	2008/9 result	2009/10 target	Year to date
G14: Number of highway inspections completed within 4 working days of being reported	99.34%	98.64%	98%	98.54%
G15: Proportion of highway emergency work carried out within 24 hours of the decision to proceed	97.91%	98.85%	97%	97.64%

### **Safer City**

#### ***Recorded Crime Levels***

43. There are six national indicators within this category. The figures below have been provided by Safer York Partnership for September. They set out year to date performance against targets and forecast the year end position.

	2008/09 outturn	2009/10 target	Year to date at Sept 09	Year end forecast	On / Off target
NPI15: Serious violent crime	113	89	75	150	Off
NPI16: Serious acquisitive crime	3459	3696	1016	2032	On
NPI20: Assault with injury crime	1239	956	639	1278	Off

NPI28: Knife crime	60	62	19	38	On
NPI29: Gun crime	5	2	3	6	Off
NPI34: Domestic Violence – murder	0	None set (but practically zero)	0	0	On
Overall BCS recorded crime	9906	10354	3955	7910	On

44. There has been a dramatic reduction in the serious acquisitive crime rate (NPI16), and if this continues along the same lines for the remainder of the year, there will be almost a 41% fall since 2008/09. This can be attributed to good intelligence led policing and community safety and to a number of schemes designed specifically to target crime and reducing crime and offender based initiatives.
45. Overall BCS crime (a measure in the directorate Plan). Based on data to the end of September, we are potentially likely to see a 20% reduction in overall recorded crime (9906 in 2008/9 – forecasting 7910 in 2009/10).

#### ***Perception of Crime and Anti-Social Behaviour***

46. Talkabout 33 will provide a range of data around perception of crime and safety in the city. This was flagged corporately to the Audit Commission during the CAA discussions as an area of very positive direction of travel over the last 5-6 years.

#### **Directorate Plan**

47. The Directorate Plan sets out 11 priorities (6 Service and 5 Org Development). Under these headings, we agreed 89 actions and measures. At end September:
- 75% of the development priority actions and measures are on track. (71% at Q1, 74% last year)
  - 66% of the service priority actions and measures are on track. (58% at Q1, 66% last year)
  - 70% of the Directorate Plan actions and measures are on track. (63% at Q1, 70% last year)
48. The table below provides an overall assessment.

## Overall Assessment of Directorate Plan – Year to end September 2009

This table summarises performance against the actions and measures set out in the 2009/10 Directorate Plan, and attempts to provide an overall rating of progress, and an overall assessment.

Priority	Traffic Light Actions	Traffic Light Measures	Overall rating <sup>1</sup>	Overall Assessment
Inclusive City 1 Support effective community engagement	1 amber	1 amber	50%  (1/2)	A question about community engagement will be asked in Talkabout 33 – to allow us to track NPI4 (LAA). Service Plan action to convene a multi-agency working group to support delivery on NPI4 has not happened due to capacity constraints.
Safer City 2 Make York safe	6 green,	2 green, 4 amber, 1 red	77%  (10/13)	All key actions within the corporate strategy are on track. Acquisitive crime and total crime trends positive. 4 perception measures at amber – 3 of these have been included in Talkabout 33.
Sustainable City 3 Waste management 4 Keep traffic moving 5 Improve local environmental quality 6 Improve our roads and pavements	10 green 3 amber, 2 red	10 green, 5 amber, 8 red	63%  (24/38)	<a href="#">Easy@York</a> delayed by More for York causing a number of amber and red issues. Waste management figures continuing to improve but 2 not on target causing 2 red lights. Missed bins and refuse complaints are off target. LEQ looking positive. 4 parking targets currently at red. Talkabout 33 will provide a figure for 5 perception measures currently at amber.
Effective Organisation: Staffing 7 Organisational Culture 8 Health, safety and well-being 9 Fair pay structure	11 green, 1 amber	3 green, 6 amber, 4 red	70%  (17.5/25)	EIE programme is starting to be delayed although a more relaxed timetable may be more deliverable. 3 of 4 accident figures are at red, although RIDDOR is at green. Sickness figure slightly worse than target although difficult to forecast.

<sup>1</sup> On basis of simple calculation – 1 mark for green, 0.5 mark for amber, totalled, and then divided by the total number of actions/measures.

Effective Organisation: Staffing 10 Fairness and Inclusion	2 green, 2 amber	1 green	80% (4/5)	Some progress on EIA programme, but need to push on with the remainder of the programme. This area will need to accelerate progress if possible and shift focus from process to outcome.	
Effective Organisation: Staffing 11 Financial Management	4 green, 1 amber	1 green	92% (5.5/6)	Actions within plan going well. However new FMS system suffering considerable teething troubles, and has caused difficulties for ongoing financial management routines.	
Overall Development Priorities	17 green 4 amber	5 green 6 amber 4 red	22 green 10 amber 4 red	75% (27/36)	[71% at Q1]
Overall Service Priorities	16 green 4 amber 2 red	12 green 10 amber 9 red	28 green 14 amber 11 red	66% (35/53)	[58% at Q1]
Overall All Priorities	33 green 8 amber 2 red	17 green 16 amber 13 red	50 green 24 amber 15 red	70% (62/89)	[63% at Q1]

### **Consultation**

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

### **Options**

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

### **Corporate Priorities**

51. The Inclusive City, Safer City and Sustainable City themes from the corporate strategy are relevant to the scrutiny committee.

### **Implications**

#### **Financial**

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

#### **Human Resources**

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

#### **Equalities**

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

#### **Legal**

55. There are no significant legal implications within the report

#### **Crime and Disorder**

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

#### **Information Technology**

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

#### **Property**

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

### **Risk Management**

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

### **Recommendations**

60. That the Scrutiny Committee note the financial and performance position of the portfolio.

Reason – In accordance with budgetary and performance monitoring procedures.

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Report Approved

Date 16.11.09

**Specialist Implications Officers**

**Financial:** None, **Human Resources:** None, **Equalities:** None  
**Legal:** None, **Crime and Disorder:** None, **Information Technology:** None  
**Property:** None, **Risk Management:** None  
**Wards Affected:** *List wards or tick box to indicate all*

All

**For further information please contact the author of the report**

Background Papers –  
2009/10 Budget Monitoring papers held at Neighbourhood Services  
Q1 Scrutiny Monitoring report (22<sup>nd</sup> September 2009)





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## Community Safety Overview & Scrutiny Committee 1 December 2009

Report of the Head of Civic, Democratic & Legal Services

### Feasibility Report on Possible Review of the Council's Policy on Alleygating

#### Summary

1. This report presents the Council's current policy on Alleygating for Members' information, and asks Members to consider whether they wish to carry out a review of that policy.

#### Background

2. Government regulations came into force on 1 April 2006 giving Local Authorities powers to erect gates on public highways to combat crime and anti social behaviour. The effect of the new legislation gave Councils the power to gate certain types of route where it was satisfied that levels of crime and disorder justified such action. An order may be made to restrict the route at all times or for certain times or periods as may be appropriate to the circumstances, but can exclude designated persons, bodies or organisations from the restrictions, e.g. residents who have a private right of access, utility companies, emergency services etc.
3. Access for occupiers of premises adjoining or adjacent to the route cannot be restricted, nor can a gating order be made if it forms the only or principal means of access to dwellings. If it forms the only or principal access to premises used for recreational or business purposes, it cannot restrict access during the times of day when those premises are normally used. The power does not permanently extinguish rights of way, making it possible to subsequently alter or revoke the restrictions and reinstate the public right of way. This effectively means that the land cannot be converted for any other purpose and must still be maintained by the Local Authority.
4. Since the enactment of the legislation, City of York Council in partnership with North Yorkshire Police, Safer York Partnership and local ward committees, have carried out a number of 'alleygating' schemes across the city. Where a scheme has been initiated there has been a marked reduction in crime and anti-social behaviour previously linked with the now gated alleys.
5. The Council has adopted a policy for dealing with the implementation of alley gating on public highways throughout the city. The policy document sets out the

process for the implementation of an alley gating scheme, and it is currently being reviewed by officers within public rights of way team.

6. At the last meeting of this Committee in September 2009, Members considered a suggestion to carry out a review on alleygating. Members requested that the Council's current policy be provided for Members consideration in order to inform the decision on whether to carry out the review.

### **Consultation**

7. Officers from the public rights of way team have provided information on the ongoing work to update the Council's policy, and the Assistant Director of City Development & Transport will be in attendance at this meeting to answer any questions arising.

### **Options**

8. Having considered the information in this report and its associated annex, Members may choose whether or not to carry out a review of the council policy on alleygating.
9. If a decision is made to move forward with a review, Members may choose to commence the review immediately to feed into the ongoing work to update the policy or, wait until that work has been completed in order to review whether the suggested revisions to the policy are robust.

### **Analysis**

10. The legislation that gives the Council powers to gate rights of way for crime and anti-social behaviour reasons, is now three years old. In that time, the council has carried out two large Gating Order schemes and has a third on the way. The work of identifying areas of the city suitable for a gating order scheme lies with the Safer York Partnership. They provide the crime statistics to evidence the need for a scheme and the necessary budget to carry out a gating order. The public rights of way team who are part of City Strategy, are responsible for seeking the Order and installing the gates, which are then maintained by Neighbourhood Services.
11. Officers now feel the policy needs reviewing to reflect lessons learnt when putting the legislation into practice. In addition, clarity is required within the council in regard to roles and responsibilities, specifically in relation to staffing and budget for the gates i.e. from inception through to installation, and then management and maintenance for the life of a Gating scheme.
12. It is expected that the first draft of the revised policy will be completed by the end of November 2009. It will then be presented to the Corporate Management Team for their consideration, before it goes to the Executive for approval.

### **Corporate Strategy**

13. The proposal to carry out a review of the Council's policy on alleygating is in line with the Council's corporate priority to make York a safer city with low crime rates

and high opinions of the city's safety record.

### **Implications**

14. There are no known financial, HR, equalities, ITT, property or other implications associated with the recommendation in this report.
15. **Crime & Disorder** – Without a robust Alleygating policy in place, the Council's ability to decrease the current level of crime and anti-social behaviour in areas with rear alleyways, where burglars can currently gain unlawful entry to the rear of houses, is limited.
16. **Legal** - One of the main crimes committed in this country and one which has the most impact on its victims, is domestic burglary. All local authorities have a duty under Sections 6 and 17 of the Crime & Disorder Act 1998, to implement crime reduction strategies in an effort to reduce overall crime in their administrative area.

### **Risk Management**

17. The Council has a statutory duty to protect all public highways, whether registered on the Definitive Map and Statement and/or the List of Streets Maintainable at Public Expense, or otherwise, and failure to undertake this duty could result in the Council acting unlawfully. The Council must therefore exercise caution before embarking upon any proposals that may adversely effect or interfere with the rights of the public to pass and re-pass along any public highway, or potential public highway. The Council also has a duty, along with the police and other 'responsible authorities', to reduce and prevent crime within their administrative area. This may mean that these two duties conflict with, or contradict each other and therefore the risk associated with this conflict or contradiction, must be minimised.

### **Recommendations**

18. Having considered the Council's current policy on alleygating attached at Annex A, and the information provided in this report and at this meeting, Members are recommended:
  - a. Not to carry out a review of the policy at this stage
  - b. To seek to be included in the consultation process for the revised policy
  - c. To reconsider 6 months after implementation of the revised policy, whether a scrutiny review of its impact is required

Reason: To assist officers with developing a robust policy on alleygating

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**Wards Affected:**

All



**For further information please contact the author of the report**

**Background Papers:** None

**Annexes**

**Annex A** – City of York Council's Current Alleygating Policy



**GATING ORDER POLICY,  
PROCEDURE & PRACTICE DOCUMENT**

**USING LEGISLATION BROUGHT IN BY  
THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT  
ACT 2005**

26 March 2007

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## INTERPRETATION

1. Within this document the terms 'Alleygating', 'Alleygating Scheme', 'Special Extinguishment Order' and 'Gating Order' shall refer to the closure of an alley either by the installation of a removable barrier (e.g. a locked gate) or the installation of a permanent structure (e.g. a wall or fence).
2. This policy shall apply to all minor highways referred to in legislation as 'relevant highways', and is not restricted to those recorded on either the Definitive Map and/or the List of Streets Maintainable at Public Expense. It includes any footpath, bridleway or restricted byway over which the public have access whether by foot or vehicle, but does not include trunk roads or special roads.

## INTRODUCTION

3. All local authorities and certain other 'responsible authorities' (such as the police), as listed under Section 5 of the Crime and Disorder Act 1998, have a duty under Sections 6 and 17 of that Act, to implement crime reduction strategies in an effort to reduce overall crime in their administrative area. One of the main crimes committed in this country and one which has the most impact on its victims, is domestic burglary.
4. It is an acknowledged fact, that burglars prefer to break into a house through the doors or windows at the rear or side of the building where there is less chance of being seen, whereas only 15% of domestic burglaries occur through the front doors or windows. A lockable gate at the entrance to an alley and which is difficult to climb will help to keep the number of burglaries down. In some parts of London and Liverpool, it has been demonstrated that such gates have brought down the number of rear access burglaries by up to 90% and 50% respectively and in some parts of York where gating has been implemented, this decrease has been up to 87%. Although the overall average reduction may be less than that, there is no doubt that gating has a significant effect on reducing rear entry burglaries.
5. Legislation introduced by the Countryside and Rights of Way Act 2000, was brought in to address this situation by allowing local authorities to make Special Extinguishment Orders to close public rights of way for crime prevention purposes, but this was found to be cumbersome and difficult to implement. In April 2005 the Clean Neighbourhoods and Environment Act 2005 was brought in to try and address these difficulties by introducing 'Gating Orders'. However, a substantial proportion of these 'alleys' are public highways protected by a wealth of legislation and case law, which has developed over a number of centuries to protect the rights of highway users.
6. An increasing number of Local Authorities have already embarked upon widely publicised 'Alleygating Schemes', which have been very successful. Subsequently this publicity has resulted in a number of requests for the closure of paths in the City of York Council Area.
7. City of York Council is sympathetic to requests for Alleygating Schemes, subject to them being lawfully implemented and has already carried out a number of closures using legislation introduced by the CROW Act. However, with the introduction of the Clean Neighbourhoods and Environment Act 2005, the legislation available for closure of public rights of way has been simplified. Under these regulations, public rights are 'restricted' and not 'extinguished' and they remain public highways, for which the authority remains responsible.
8. This document sets out City of York Council's policy and procedure for dealing with requests for Alleygating Schemes and the implementation of any subsequent works. Instead of using several different pieces of legislation, the process will be simplified if only one piece of legislation is used. It is therefore recommended that for all alley restrictions designed to prevent or reduce crime, the Clean Neighbourhoods and Environment Act 2005 legislation should be used, unless other legislation is found to be more appropriate.

**Policy AG 1:** City of York Council is sympathetic to requests for Gating Orders, subject to their being lawfully implemented.

The Highway Authority's Duties

9. The Council has a statutory duty to protect all public highways, whether registered on the Definitive Map and Statement and/or the List of Streets Maintainable at Public Expense, or otherwise and failure to undertake this duty could result in the Council acting unlawfully. The Council must therefore exercise caution before embarking upon any proposals that may adversely effect or interfere with the rights of the public to pass and re-pass along any public highway, or potential public highway.
10. The Council also has a duty, along with the police and other 'responsible authorities', to reduce and prevent crime within their administrative area. This may mean that these two duties conflict with, or contradict each other and therefore this conflict or contradiction must be minimised.

Authorisation of gates or similar structures on highways

11. All gates or similar structures, if installed within a public highway, constitute an obstruction. However, under certain circumstances, these obstructions may be legitimised, after which they may be referred to as 'lawful obstructions'. A structure will only constitute a lawful obstruction if it is authorised by the relevant Highway Authority, who may only grant such permission if an Act of Parliament specifies that it may do so.
12. The circumstances under which gates or other structures can normally be installed on public highways are strictly controlled by the provisions of the Highways Act 1980, and even if lawfully installed, such gates or structures cannot be locked or used to prevent free passage by any legitimate user. The criteria for the authorisation of these gates or structures are clear and unambiguous. The route concerned must be a footpath or bridleway, the land concerned must be in use for agricultural purposes and the gates or structures must be required for the purposes of controlling the ingress or egress of animals. A request for a Gating Order will not satisfy these criteria.
13. The only other instance where gates or barriers may be installed is for the purposes of the safety of persons using the route and once again, their installation must not prevent actual use of the route by any member of the public.
14. The Council cannot authorise the installation of any gate, barrier or other structure in, on or across any public highway, under any other circumstances. Before any such gate or structure could be lawfully installed, it would first be necessary to legally extinguish the public highway, which would require a legal order.

**Policy AG 2:** The Council will not authorise the installation of any gate, barrier or other structure, in, on or across any public highway, otherwise than allowed by law.

## **DETERMINATION OF HIGHWAY STATUS**

Routes shown on the Highway Records

15. Many public rights of way or highways are already recorded on documents known as the Definitive Map and Statement and/or the List of Streets Maintainable at Public Expense. These are the Council's formal records of public highways. If a route is recorded on either of these documents, then with few exceptions, it is undisputedly a public highway.

Routes not shown on the Highway Records

16. In common with many Authorities throughout the country, there are a significant number of routes that exist, but are not shown in the Council's records. This does not mean that highway rights do not exist, simply that they are unrecorded and that the legal records may need to be amended.



17. In general terms, if a route, path, or way runs between two highways, is used as a through route and has existed as such for a number of years (usually at least 20 years), then in the absence of any evidence to the contrary, there may be a reasonable presumption that highway rights exist or have been established.
18. Public highway rights may be established either under the provisions of the Highways Act 1980, or at Common Law. In either instance the evidential test is one of 'balance of probability' and in making a decision as to whether or not public highway rights exist, the Council must act in a '*quasi-judicial*' manner. This means that the Council must act in the manner of a court of law and make its decision based upon evidential fact. Issues such as desirability, privacy and security, although important, cannot lawfully be taken into account.
19. A request for a Gating Order will not be progressed where there is any dispute over the existence, or otherwise of public highway rights.

**Policy AG 3:** The issue of whether public highway rights exist along any route that is subject to a Gating Order request will be considered first and determined on a case-by-case basis by the Highway Authority. A Gating Order will not be progressed, where there is any dispute over the existence, or otherwise, of public highway rights; a decision that will be taken elsewhere.

## **IMPLEMENTATION OF GATING ORDERS**

20. Unlike Special Extinguishment Orders, Gating Orders brought in by the Clean Neighbourhoods and Environment Act 2005 are not reliant on the designation of high crime areas by the Secretary of State and may be progressed in either designated or non-designated areas.

**Policy AG 4:** Gating Orders may be progressed regardless of the required designation being granted.

### Informal Consultation

21. Prior to the making of any Order for the closure of a highway under the Highways Act, it is considered good practice to carry out an informal pre-order consultation in accordance with the Parliamentary Rights of Way Review Committee's Code of Practice for consultation on proposed changes to rights of way. It allows for any objections to the making of an order and includes bodies such as the Ramblers' Association, Open Spaces Society and other similar organisations. Gating Orders made under the Clean Neighbourhoods and Environment Act 2005, do not require informal consultation. However, it is recommended that this practice should continue, in order to gauge responses from affected residents, local Ward Members, the Parish Council, emergency services and utility companies; consultees such as the Ramblers' Association do not need to be included at this stage as they are included in a later stage of the process; although it may be advisable to include local representatives of these organisations. This will prevent unnecessary and possibly costly procedures going ahead if the alley closure is likely to be unpopular, or requires the diversion of utility service equipment.

### Consents

22. During the informal consultation period, all property owners and occupiers who are affected by the proposals contained within a Gating Order, will be requested to complete an Agreement Form (see Annex 1), which confirms their agreement:
  - to the Gating Order and any necessary Legal Orders that may be made.
  - to agree to any changes to the collection of refuse, as may be required by the closure of the alley.

It is recognised that a 100% response is not always possible. Therefore:

**Policy AG 5:** A Gating Order may not be progressed, unless the majority (50% + 1), of interested parties have agreed, in writing, to the proposals as specified within the Alleygating Policy Document or they have not objected to such a proposal. In the event that less than the majority of interested parties have agreed or have not objected, it shall be the decision of elected Ward Members whether or not to proceed with the scheme.

### Protection of Private Rights

23. Gating Order procedures are wholly concerned with restricting public rights over highways and anything the authority decides, will not affect the private rights of residents, businesses, or other relevant parties (such as utility companies) having access over those highways.

### Consultation

24. Before making a Gating Order, there must be a formal consultation period of not less than 28 days, where the council shall publish on its website and in the local newspaper, a Notice:

- Identifying the highway to be restricted.
- Setting out the effect of the proposed Gating Order.
- Identifying any alternative routes available to pedestrian and vehicular traffic
- Setting out a draft of the proposed Order.
- Inviting written representations or objections to the Notice.

25. A copy of the Notice and Order map must also be displayed on or adjacent to the highway to be restricted, in order for members of the public using the highway to be made aware of the effect of the proposed Gating Order and make representation if they so wish.

26. Copies of the Notice and a draft copy of the proposed Gating Order must be sent to the following people:

- All occupiers of premises adjacent to or adjoining the highway to be restricted.
- All affected businesses adjacent to or adjoining the highway to be restricted.
- All statutory consultees set out in the legislation, including The Ramblers' Association, Open Spaces Society etc.
- All statutory undertakers and utility providers, such as gas, electric and telephone companies.
- All emergency services, including the Police Authority for the area named in the Order.
- Anyone who has contacted the local authority requesting to be consulted.

27. The Parish Council and local Ward Members should also be included at this stage, as they will also have been involved during the informal consultation period.

### Legal Order Objections

28. If no objections are received within the statutory timescales, the Gating Order can be presented to the appropriate Advisory Panel for Members to resolve to make the Order.

29. Where objections are raised and not withdrawn, Members may still decide whether or not to make the Order and it does not have to go to the Secretary of State for determination. In

order to make that decision, Members have to satisfy themselves that the interests of the local community outweigh the rights of users of the highway, if Members feel that the interests of the local community are more important, the Order can be made.

30. Where an objection is raised by the Police, Fire & Rescue Service, or the Ambulance Service, a public inquiry must be held. However, the reason for the objection should be established (i.e. nearby emergency fire exit opening into the alley) and the Alleygating Officer should attempt to reach a compromise with the relevant emergency service Liaison Officer to the satisfaction of both parties. It may be that the design of the gate at the location under review can be altered to accommodate the relevant safety requirements; or it may be necessary to alter the location of the gate itself. If a compromise cannot be reached, then a decision should be made whether or not to abandon the Order.
31. In addition to the above, legislation also allows a local authority to hold a public inquiry if it so wishes, but this is not a requirement and there are no guidelines to suggest when this should occur. Unlike other public inquiries, it is the Council who appoints the Inspector from the Planning Inspectorate; the cost of which is currently £630 per day, not including the cost of the venue. Therefore the occasions where this would be considered should be restricted to the following:
  - Objections from Elected Ward Members.
  - Objections from the Parish Council.
32. A Gating Order cannot be made until either a period of 28 days has lapsed from the date of the advertising of the notice, or any public inquiry held in accordance with the legislation has been concluded.

### Legal Orders Made

33. Once a Gating Order has been made, a copy must be displayed at the Council offices and advertised on the Council website for a period of 12 months from the date of making the Order. Copies should also be sent to the same groups identified in paragraph 26. A register of all Gating Orders must also be kept at the Council offices and made available for inspection during normal business hours.
34. A copy of the Gating Order must be situated at each end of the highway, although there is no requirement to advertise in the local newspaper. There is no suggested time limit for the on site advertising, but a period of not less than 28 days would be recommended, which is in line with other such orders made under the Highways Act.

### Magistrates Court Orders

35. On occasion, due to the status of some highways, it is sometimes necessary to seek Legal Orders for the closure of vehicular highways through the Magistrates Court. This process is also governed by timescales for advertising and objections etc and must be carried out with the assistance of the Council's Legal Services. Closures through the Magistrates Court should only be sought where other options are not practical or available, as legislation within the Clean Neighbourhoods and Environment Act 2005 allows for such closures without resorting to applications through the courts.

## **IDENTIFICATION OF AREAS TO BE SUBJECT TO GATING ORDERS**

36. Requests for Gating Orders should be made to the Alleygating Officer, or the relevant Ward Committee Co-ordinator who shall decide whether or not to pursue the request and commission a Feasibility Study from the Alleygating Officer. The Ward Committee shall be responsible for the completion of the 'Gating Order Request Form' (Annex 2), precisely defining the area to which the scheme relates, and identifying any alleys that are to be considered for restriction. They shall also be responsible for prioritising their funding for the implementation of any Gating Order in their area.

## PRIORITISATION

37. Priorities for the implementation of Gating Orders shall be decided on information provided by the Safer York Partnership, based upon the levels of reported crime and official crime statistics. Crime reports for the alley in question must therefore be sought from the Crime Analyst or Police Crime Prevention Officer.
38. Priority will be given to Gating Order proposals that prove demonstrable levels of the type of offences listed under Category 1 and 2 below, although in the absence of such evidence, offences in Category 3 below may also be considered.
39. A lower priority will be given to Gating Order proposals that prove demonstrable levels of the type of offences only listed under Category 2 or 3 below.
40. Categories.

Category 1

Robbery, Domestic Burglary and Vehicle Crime.

Category 2

Arson, real fear of assault /robbery and drug dealing/taking.

Category 3

Noise and disturbing behaviour, anti-social behaviour, fly tipping of rubbish, dog fouling and graffiti.

### Installation of Gates

41. Upon completion of the legal order process, all physical works and materials shall be commissioned and undertaken by the Alleygating Officer, in line with the Council's Procurement Policy. At present, the gates are installed with the assistance of a 'Community Payback Team' supplied by the Probation Service at no cost to the authority. The continuation of this agreement should be encouraged as it utilises one of the other bodies involved with the implementation of the Council's duties under the Crime and Disorder Act and also reduces overall costs of the scheme.

### Issue of Personal Identification Numbers (PIN)

42. On 7 December 2005, the Executive Member for Planning and Transport agreed that all alley gates are to be operated by means of a coded keypad lock, which will require a Personal Identification Number (PIN). All parties with a legitimate need for access into gated alleys shall be issued with a PIN. Applicants for a PIN shall provide proof of their identity and address. Codes will be changed periodically, or at other times deemed necessary for security reasons and all legitimate parties will be informed in advance of the date of the change and the new PIN.

**Policy AG 6:** Personal Identification Numbers (PIN's) will be issued to all legitimate parties on completion of the fitting of the gates. These parties will receive advanced notification if or when the PIN has to be changed at a future date.

### Maintenance and Management Issues

43. As Gating Orders do not extinguish highway rights, the Council retains responsibility for the maintenance of the highway, gates and the issuing of PIN's etc, commencing when the Alleygates become operational. This work will be undertaken through the Alleygating Officer in line with manufacturer's recommendations and the Council's procurement policy. Repairs, maintenance and cleaning of the highway will be as and when required or at the request of residents and not on a regular basis.

44. The Council may receive requests to make a conditional Gating Order, thereby closing an alley during certain times and days (i.e. only at night etc). The responsibility for the locking and unlocking of the gates should be taken into account, as Regulation 8(e) of the Highways Act 1980 (Gating Orders) (England) Regulations 2006 (SI 2006, No 537) states that, "[A gating order must contain] contact details of the person who is responsible for maintaining and operating any barrier whose installation is authorised by the order". Under this regulation, it is not necessary for the 'person' in question to be a named individual. Instead, this can be any suitable position or role within the Council, such as the Anti-Social Behaviour Co-ordinator, or Highways Manager; although on a day-to-day basis the responsibility is likely to fall to the Alleygating Officer to ensure continuity of the Order. This way, the Order will not need to be changed every time a new person fills the role.
45. Regulation 8(b) states that a Conditional Gating Order must also contain the times and dates when the gates will be open to the public. Should the gates not be opened at the specified times, the authority would be guilty of committing an offence of unlawful obstruction of the highway and could face prosecution in a court of law. Similarly, should the gates not be closed at the specified time and a member of the public was to become locked in or subject to assault or robbery, or an adjacent property is burgled from the alley, then the Council would have a civil liability, which could potentially cost thousands of pounds in compensation.
46. Responsibility for the opening and closing of the gates cannot therefore be handed to adjacent residents and must be managed correctly.
47. Notwithstanding the above, there is presently no Council department with resources in place to take on the responsibility of, or employed to carry out, the opening and closing of alley gates. Because of similar problems in other local authorities, many have decided not to make Conditional Gating Orders.

**Policy AG 7:** The Council shall retain responsibility for the maintenance of alleys and Alleygates, and the issuing of PIN's etc, commencing when the Alleygates become operational. This work will be undertaken by the Alleygating Officer in line with manufacturer's recommendations and the Council's procurement policy.

## FUNDING

### Staffing Implications

48. The Council shall fund an Alleygating Officer post within the Public Rights of Way Unit. This is to ensure the implementation of schemes through to completion. This post will oversee all Alleygating Schemes and Gating Orders being considered and/or implemented by City of York Council.
49. In relation to Conditional Gating Orders, the Council shall either create a suitable post and fund the cost of the necessary staff, in perpetuity, with the duties of locking and unlocking alley gates made under such an Order. Or incorporate the extra duty, in perpetuity, with existing staff already tasked with similar duties. Should this duty be contracted out to a private security company, then the cost of them managing the gates (typically £4,500 to £5,500 per Gating Order per year) would mean that this course of action would be subject to the Council's procurement rules.
50. Should the Council decide to make a conditional restriction of an alley (i.e. only at night), then the management and ongoing budgetary implications of carrying out that duty shall be taken into account prior to the decision being made.
51. Home Office Guidance notes recommend that if a Conditional Gating Order is made, local authorities should review the Order after 12 months, to assess its success or otherwise. This review should evaluate whether the Gating Order is acting as a useful crime or anti social behaviour measure; it should also assess the impact it is having on the community and discussions should be held with local residents to gauge whether the limited access is causing excessive inconvenience.

52. Should any of the conditions in paragraphs 49 to 51 of this policy not be possible, then the Council will not implement Conditional Gating Orders, for the reasons given in paragraph 45 of this policy.

**Policy AG 8:** Should the Council decide to make a conditional restriction of an alley (i.e. only at night), then the management and ongoing budgetary implications of carrying out that duty shall be taken into account prior to the decision being made. If this duty cannot be guaranteed then a Conditional Gating Order can be made for the length of time that the funding can be guaranteed.

#### Budgetary Implications

53. All other costs relating to the implementation of Gating Orders (e.g. the cost of any legal orders, gate closure management etc, as well as the cost of any physical works) shall be funded from the relevant Ward Committee budget in addition to any outside funding which may be obtained.

#### Compensation

54. The legislation relating to the closure or diversion of public rights of way includes provision for the payment of compensation to any party who suffers a loss or damage (e.g. loss of a rear access to property) as a result of the Order. However, there is no provision for the payment of such compensation included in the new Gating Order regulations.

#### Statutory Undertakers

55. The implementation of a Gating Order may require the relocation of apparatus owned by utility companies (gas, water, electric, telephone etc). The costs relating to the relocation of such equipment is often very expensive and should be avoided if at all possible. Notwithstanding the above, all statutory undertakers will retain their right of access to closed alleys.
56. In the unlikely event of such expenditure being required, it shall be funded from Ward Committee budgets. However, the need for such expenditure must be avoided if possible.

#### Maintenance

57. Following the implementation of a Gating Order, the Council shall retain responsibility for all maintenance related to it.
58. In the event of such expenditure being incurred, it shall be funded from the relevant Ward Committee's budgets, or the Council's Highway Maintenance budgets, dependent on the type of work required. In other words, whichever budget covers the type of work required at the moment, then that budget will continue to cover that type of work following closure.

### **TIMESCALES**

59. It is estimated, dependent on circumstances, that from receipt of a properly completed request, a Gating Order should take no more than 6 to 8 months to implement.
60. Some elements of proposed schemes, or indeed entire schemes may be completed in shorter timescales, however there are a whole range of variables that may affect completion dates. Some of these are outside the control of the Council such as:
- residents/owners completing and returning agreement forms.
  - the designation of areas by the Secretary of State (in the case of CROW legislation).
  - objections to Legal Orders and subsequent Public Inquiries.

61. Factors that are internal to the Council, which may also effect completion dates are:

- Scheduling and deadlines for quarterly Ward Committee meetings.
- Scheduling and deadlines for six-weekly Advisory Panels.
- Granting of planning consent (if applicable).

## **GATING ORDER – PROCESS**

### **Initial Enquiry/Request**

62. Upon receipt of a Gating Order Request Form from a Ward Committee or member of the public, the Council's Alleygating Officer shall undertake a Feasibility Study and compile a Feasibility Report, to advise and enable the Ward Committee to decide whether or not to expend funds on commissioning a Gating Order.

### **Feasibility Study**

63. The Feasibility Report should be produced in a format that will enable it to be submitted to the relevant Advisory Panel once approved by the Ward Committee and should include, although not exclusively, the following:

#### Consultation with Local Residents/Owners

64. Informal consultations shall be undertaken with all residents/owners of properties and businesses within and immediately adjacent to, an area subject to a request for a Gating Order. The responses received, shall be used to ascertain whether there is a genuine need for the scheme and to gauge local support. When Gating Order consultation documents are sent out, they should include a draft copy of the proposed closure order.

#### Consultation with Utility Companies

65. The Utility Companies, (gas, water, electricity etc) shall be consulted in respect of specific routes that may be subject to closure. It is essential to ascertain, at an early stage, which of these companies, if any, have their apparatus under any routes that may be subject to closure proposals. The Utility Companies will require the retention of their rights of unhindered access, or may require the relocation of their apparatus, if it appears they will be affected by the proposals.

66. If the Utility Companies require unhindered access to their apparatus, they may not consent to the installation of any structure across the route. The Council may not therefore be in a position to proceed with any closure proposals. Alternately, if they require the relocation of their apparatus, this may cost a considerable sum of money (potentially thousands of pounds). This should be avoided, but where required, the Ward Committee shall fund such works, if they decide to proceed with the Order.

#### Consultation with Emergency Services

67. Consultations shall be undertaken with all of the Emergency Services (Fire & Rescue, Police and Ambulance), including the Police Authority for the area, as they may all potentially require access along a route subject to a proposal for closure. It must be born in mind that should any one of these services object to a Gating Order, then in the absence of a satisfactory settlement, a public inquiry will have to be held.

#### Consultation with Safer York Partnership

68. The Safer York Partnership shall be consulted on any Gating Order proposals and requested to:

- provide relevant crime figures and statistics relating to the alley.

- advise how, and in what way, the proposal is consistent with the Crime and Disorder Strategy.
- advise what other Crime Reduction Initiatives are being undertaken in the immediate area (eg CCTV, targeted patrols etc).

Consultation with Refuse Collection / Cleansing Dept (any special provisions required)

69. Consultations shall be carried out with the Council's Cleansing Services in order to establish whether any changes or special provisions need to be made for refuse collection. In the event of any special provisions being required, the Ward Committee may fund these, unless they are already catered for in the Cleansing Services budget.

Consultation with Other Interested Parties

70. Those organisations specified within the legislation, as listed in paragraph 26, shall also be consulted at this stage. Consultation with local representatives of such organisations, as well as their head offices is also required. Legislation also states that anyone expressing a desire to be included in the consultation process must also be consulted.

Consultation with Other Council Departments

71. Consultation shall be carried out with any other relevant departments within the local authority, as specified within Council report writing guidelines, such as Finance, Legal etc and their views noted on the report. This will prevent any conflicts of interest occurring with other schemes being implemented or considered by these departments.

Public Path Orders

72. An assessment of the routes proposed for closure or restriction shall be undertaken, to ascertain which Legal Orders are required and the most appropriate legislation to use (see Annex 3). The Feasibility Report shall advise the way in which the appropriate legislative criteria has been satisfied, or not, as the case may be.

Site Works Required

73. An assessment of the physical works required to implement the Gating Order shall be undertaken and the available options discussed within the Feasibility Report. This may involve liaising with gate manufacturers and locksmiths to determine the necessary gate and lock specification or installation requirements.

Planning and Highway Authority Consents

74. Planning consent for the installation of alley gates should not normally be required if the gates are being installed by or on behalf of the local authority. Part 12 of the General Permitted Development Order 1995 allows the local authority to erect 'any small ancillary building, works or equipment on land belonging to them for the purpose of any function exercised by them on that land. The right is subject to the qualification that such [structures] do not exceed 4 metres in height or 200 m<sup>3</sup> in capacity.'

75. Although alley gates are not listed in the examples given at class A (b) of Part 12 of the GPDO, which includes lamp standards and control barriers, they would be considered as similar structures or works required in connection with the operation of the public service administered by the Council and, as they are under 4 metres in height, would not require express planning permission.

76. The Alleygating Officer shall also consult the Council's Highways Development Control Team and Transport Planning Unit, to identify any highway or local transport implications, such as Safe Routes to School schemes.



Estimated Costs

77. The Feasibility Report shall include a budget forecast, for the implementation of the proposed scheme. This shall include costings for:

- Legal Orders.
- Planning Consents (if applicable).
- Moving of Utility Company apparatus (if applicable).
- Physical Works on site, including all materials needed.
- Any other costs identified during the Feasibility Study.

**Decision Made whether to Proceed with Scheme**

78. Upon receipt of the Feasibility Report, the Ward Committee, on the advice of the local Ward Members if required, shall decide whether to proceed and expend funds on commissioning a Gating Order and allocate funding accordingly.

79. Once a decision has been made to implement a particular scheme, the Alleygating Officer will prepare a suitable report and present it to the relevant Council Committee or Advisory Panel for consideration. The decision of this Committee or Panel will be final.



**GATING ORDER**  
**OWNERS/OCCUPIERS AGREEMENT**

(To be completed by each property owner / occupier affected by the proposals)

**WARD:** <>

**SCHEME REFERENCE:** <>

**DETAILS OF SCHEME:** Request to restrict alleyways in the <> area of York

Name and Address	Name and Address						
<b>Occupier</b>  Address 1 Address 2  YORK Postcode  <b>Telephone Number</b>	<b>Landlord/Owner (if different)</b>        <b>Telephone Number</b>						
<b>Agreement</b>							
*I am / We are the freehold / leasehold * owner(s) of the above property which is affected by the proposed Gating Order.  <b>OR</b> *I am / We are the tenant / licensee or occupier(s)* of the above property which is affected by the proposed Gating Order.							
*I / We do not agree to the proposed alley closure and wish it to remain open to the public at all times.							
*I / We agree and consent to the proposed Gating Order and any necessary Legal Orders to restrict the use of the alley, as shown in the City of York Council Alleygating Policy, that may have to be made as a consequence.							
*I / We agree to any reasonable changes to the collection of refuse and household waste by City of York Council Cleansing Services, which may be necessitated by the restricted use of the alley.							
<table style="width:100%; border:none;"> <tr> <td style="width:50%;">Signed .....</td> <td style="width:50%;">Print Name .....</td> </tr> <tr> <td>Signed .....</td> <td>Print Name .....</td> </tr> <tr> <td>Date .....</td> <td></td> </tr> </table>		Signed .....	Print Name .....	Signed .....	Print Name .....	Date .....	
Signed .....	Print Name .....						
Signed .....	Print Name .....						
Date .....							

\*Delete as appropriate

Please continue overleaf if required



## GATING ORDER PROPOSAL

(Before submitting a proposal please read the Council's Alleygating Policy).

Ward Committee Contact Details
<p><i>Telephone Number</i> .....</p>
Request for Gating Order
<p>Define the area to be subject to the proposed Scheme and attach a 1:1250 scale plan with the boundaries clearly marked.</p>
Reason(s) for Proposal
<p>State as fully as possible the reasons for the proposal and how it meets the criteria of the Alleygating Policy Include all available crime figures if available (a crime report will be obtained by the Alleygating Officer anyway).</p>
<p>Continue on separate sheet if required.</p>
Confirmation of Supply of Information
<p>This Gating Order proposal was discussed and agreed at the ..... Ward Committee meeting on .....</p>
<p>Local residents who attended the above Ward Committee Meeting have been made aware of the Council's Alleygating Policy, and briefed on its content.</p>
<p>Local residents who attended the above Ward Committee Meeting have been advised that the Council cannot guarantee the success of any Gating Order proposal</p>
<p>Local residents who attended the above Ward Committee Meeting have been advised that gates or other structures will only be installed on Alleys if it can be achieved lawfully and that the Council will initiate criminal proceedings against any person who erects such structures without lawful authority.</p>
<p>Local residents who attended the above Ward Committee Meeting have been advised that a Gating Order shall only proceed subject to it being lawful and it being funded by the Ward Committee budget.</p>
<p>Signed ..... Name .....</p> <p>Neighbourhood Co-ordinator – City of York Council</p> <p>Date .....</p>

## **LEGAL ORDER OPTIONS**

### **OPTION ONE – ROUTES WITH NO HIGHWAY STATUS**

#### **Routes that do not have highway status**

In general terms, if a route, path, or way, runs between two other highways, is used as a through route and has existed for a number of years (usually at least 20 years), there may be a reasonable presumption that highway rights exist. It is important that this matter is given consideration on a case-by-case basis, as the installation of any gates or barriers on a public highway, may constitute a criminal offence unless lawful authority can be demonstrated.

Notwithstanding the above there will be cul-de-sac alleys that do nothing more than serve the rear of properties. Although such routes may be on the List of Streets Repairable at Public Expense, some are unlikely to have acquired highway rights over them, but will probably be subject to private rights of access.

Subject to any private rights of access being safeguarded (See paragraph 23), routes of this nature that are not on the List of Streets Repairable at Public Expense, could be gated without the need for any complex or lengthy legal order processes. To do this, however, would need the consent of all affected residents.

### **OPTION TWO – USE OF GENERAL POWERS**

#### **Town and Country Planning Act 1990**

The Town and Country Planning Act 1990, allows for the closure of a footpath, if it is necessary to allow development (approved by a valid planning consent) to take place. This essentially means that the development concerned, must actually build over the path itself, a simple change of use from say path to garden would not suffice as it is, in law at least, quite compatible for a path to run through a garden, therefore the criteria would not be met.

It is unlikely that the powers contained within the Town and Country Planning Act 1990 can be used to facilitate a Gating Order.

#### **Highways Act 1980**

The Highways Act 1980 is the principle piece of legislation that allows for the extinguishment of highways. The powers for closure are strictly defined by the legislation. This generally provides that extinguishments may only be made, if it can be demonstrated that the highway concerned is not needed/necessary for public use. Whilst this may be a somewhat subjective decision to make, it is clear that factors such as criminal, or anti-social behaviour, cannot lawfully be taken into account. If a route is heavily used by legitimate pedestrian traffic, it is unlikely that the legislative criteria can be met in order to close the path to prevent its misuse at other times.

### **OPTION THREE - USE OF NEW CRIME PREVENTION POWERS**

#### **Countryside and Rights of Way Act 2000 – Closure for Crime Prevention**

The Countryside and Rights of Way Act 2000, amended S118 and S119 of the Highways Act 1980, by introducing new powers to close or divert public rights of way for the purposes of crime prevention. There are however, strict criteria that must be satisfied before such Orders can be made.

Firstly, following an application from the highway authority, the Secretary of State must designate the area where the paths are located, as an area within which the new provisions may be used. For such an application to be successful, the Highway Authority must persuade the Secretary of State that the area suffers from high incidences of crime.

It should be stressed that the designation of an area, as described above, does not, in any way, imply that any subsequent Extinguishment Order will be successful. It is still necessary for each proposal to fulfil all of the remaining criteria of the legislation.

Before an Order can be made the Authority must be satisfied, having taken into account the factors listed below, that it is expedient for the purposes of preventing or reducing crime which would otherwise disrupt the life of the community, to stop up that highway.

It must be satisfied that premises adjoining or adjacent to the highway are affected by high levels of crime and that the existence of the highway is facilitating the persistent commission of criminal offences.

Even if these criteria can, by the production of evidence be satisfied, an Order cannot necessarily come into effect. Before an Order can be confirmed/take effect, the Council must also be satisfied that it is expedient to stop up the highway having regard to:

- Whether and if so to what extent, the order is consistent with any strategy for the reduction of crime and disorder prepared under section 6 of the Crime and Disorder Act 1998.
- The availability of a reasonably convenient alternative route, or if no reasonably convenient alternative route is available, whether it would be reasonably practicable to divert the highway rather than stopping it up.
- The effect the extinguishment of the right of way would have, as respects land served by the highway, account being taken of the provisions as to compensation that may be payable.

### Clean Neighbourhoods and Environment Act 2005 - Closure for Crime Prevention

The Clean Neighbourhoods and Environment Act 2005, which came into force on 1 April 2006, inserts a new S129, into the Highways Act 1980, which provides new powers to restrict the use of public rights of way for the purposes of crime prevention. Such restrictions, unlike S118B of the Highways Act, can be permanent, temporary, or conditional and are not dependent on an area being designated as an area of high crime by the Secretary of State.

A council may make a Gating Order in accordance with this Act in relation to any relevant highway for which they are the highway authority, if they are satisfied that premises adjoining or adjacent to the highway are affected by crime or anti-social behaviour; that the existence of the highway is facilitating the persistent commission of criminal offences or anti-social behaviour; and it is in all the circumstances expedient to make the order, for the purposes of reducing crime or anti-social behaviour.

As with the CROW Act, even if these criteria can be satisfied, an Order cannot necessarily come into effect unless the highway authority is satisfied that it is expedient to stop up the highway having regard to:

- The likely effect of making the order on the occupiers of premises adjoining or adjacent to the highway.
- The likely effect of making the order on other persons in the locality.
- In a case where the highway constitutes a through route, the availability of a reasonably convenient alternative route.

However, unlike the CROW Act, which permanently extinguishes public rights over a highway, a Gating Order can:

- Restrict the public right of way at all times, or in respect of such times, days or periods as may be specified in the order (eg only at night, or at weekends, etc).
- Exclude persons of a description specified in the order from the effect of the restriction (eg emergency services, council officers, utility companies etc).

The alley also remains the responsibility of the local authority even after gating, so it continues to be a highway repairable at public expense.

Before making a Gating Order in relation to a relevant highway the Council must be satisfied that:

- Premises adjoining or adjacent to the highway are affected by crime or anti-social behaviour.
- The existence of the highway is facilitating the persistent commission of criminal offences or anti-social behaviour.
- It is in all the circumstances expedient to make the order for the purposes of reducing crime or anti-social behaviour.

Unlike other legislation used to extinguish public rights, the local authority may make the Order even if there are objections to the closure; as long as they are satisfied that closure is in the best interests of the local community. However, if there are objections from any of the emergency services, then the Order must go before a public inquiry. In the event of such an objection, the Act does give the Council the option of either abandoning the Order, or negotiating with the relevant emergency service to try and reach a compromise, thereby avoiding a costly public inquiry.

This legislation has been streamlined to make it easier and quicker to restrict the use of a problem alleyway, however, this does not mean that the criteria for making a Gating Order is any less than that used in the CROW Act. What it does do is introduce instances of high levels of anti social behaviour as being a main reason for closure, in the absence of high levels of crime and is designed to improve residents' quality of life.

Another main feature of using this legislation is the recommendation that local authorities review their Gating Orders on an annual basis, as there is no maximum limit to how long a highway can be gated. This ensures that the Gating Order remains useful as a crime or anti social behaviour reduction method. As highway rights are not extinguished, it would be a simple matter to revoke the Gating Order or vary the conditions.

Although annual reviews are recommended and closures encouraged to be temporary, this part of the Act seems to be contradictory. If there are high levels of crime and/or anti social behaviour enough to restrict the use of a public right of way, then this in itself is likely to reduce crime. The review will show this reduction in crime and it is expected then that consideration be given to re-opening the alley to public use. However, the chances are that re-opening the alley will lead to an increase in crime and anti-social behaviour back to its pre-restricted levels and create a situation where restriction of public use is again needed.

This situation appears to be counter productive and could prove to be costly. In view of this it is recommended that City of York Council will avoid temporary restrictions.

Conditional restrictions may be implemented if evidence shows that the crime or anti social behaviour occurs only at specific times, such as during the hours of darkness. Whilst this may seem like a good idea, the management of the gate closure must be taken into account, as, if the gates are not re-opened at the time specified on the Order, they will then become unlawful obstructions and leave the local authority open to prosecution. Unless this logistical problem can be properly managed in perpetuity, it would be unwise to consider conditional restrictions and some local authorities have decided not to pursue this course of action.

**SUMMARY POLICY STATEMENTS**

- Policy AG 1:** City of York Council is sympathetic to requests for Gating Orders, subject to their being lawfully implemented.
- Policy AG 2:** The Council will not authorise the installation of any gate, barrier or other structure, in, on or across any public highway, otherwise than allowed by law.
- Policy AG 3:** The issue of whether public highway rights exist along any route that is subject to a Gating Order request will be considered first and determined on a case-by-case basis by the Highway Authority. A Gating Order will not be progressed, where there is any dispute over the existence, or otherwise, of public highway rights; a decision that will be taken elsewhere.
- Policy AG 4:** Gating Orders may be progressed regardless of the required designation being granted.
- Policy AG 5:** A Gating Order may not be progressed, unless the majority (50% + 1), of interested parties have agreed, in writing, to the proposals as specified within the Alleygating Policy Document or they have not objected to such a proposal. In the event that less than the majority of interested parties have agreed or have not objected, it shall be the decision of elected Ward Members whether or not to proceed with the scheme.
- Policy AG 6:** Personal Identification Numbers (PIN's) will be issued to all legitimate parties on completion of the fitting of the gates. These parties will receive advanced notification if or when the PIN has to be changed at a future date.
- Policy AG 7:** The Council shall retain responsibility for the maintenance of alleys and Alleygates, and the issuing of PIN's etc, commencing when the Alleygates become operational. This work will be undertaken by the Alleygating Officer in line with manufacturer's recommendations and the Council's procurement policy.
- Policy AG 8:** Should the Council decide to make a conditional restriction of an alley (i.e. only at night), then the management and ongoing budgetary implications of carrying out that duty shall be taken into account prior to the decision being made. If this duty cannot be guaranteed then a Conditional Gating Order can be made for the length of time that the funding can be guaranteed.

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## Community Safety Overview & Scrutiny Committee Work Plan 2009-10

Meeting Date	Work Programme
7 July 2009	<ol style="list-style-type: none"> <li>1. Report on Overview &amp; Scrutiny Committees - Terms of Reference</li> <li>2. Guidance on Scrutinising Crime &amp; Disorder Issues</li> <li>3. 2008/09 Year End Outturn Report</li> <li>4. Corporate Strategy – Key Performance Indicators &amp; Actions for 2009/10 – Understanding the corporate priorities relevant to the Committee’s ‘terms of reference’ in order to establish a baseline for making proposals for changes to the Corporate Priorities in 2010/11</li> </ol>
22 September 2009	<ol style="list-style-type: none"> <li>1. First Quarter Monitoring Report</li> <li>2. Update Report presenting correct performance indicators relevant to this Committee</li> </ol>
1 December 2009	<ol style="list-style-type: none"> <li>1. <b>Report on Re-structure of Police Force in York</b> with attendance of Jane Mowatt - Director of Safer York Partnership</li> <li>2. <b>Second Quarter Monitoring Report</b></li> <li>3. <b>Feasibility Report on Review of the Council’s Alleygating Policy</b></li> <li>4. <b>Attendance of the Executive Leader</b> (awaiting response) &amp; <b>Executive Member for Neighbourhood Services</b></li> </ol>
19 January 2010	<ol style="list-style-type: none"> <li>1. <b>Budget Consultation</b></li> <li>2. <b>Audit Commission Report on Use of Resources</b></li> <li>3. <b>Report on Graffiti &amp; Litter Survey Results</b></li> </ol>
2 March 2010	<ol style="list-style-type: none"> <li>1. <b>Third Quarter Monitoring Report</b></li> <li>2. <b>Annual Report from relevant Local Strategic Partners</b></li> </ol>

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**FORWARD PLAN ITEM****Meeting:** Executive Member for Neighbourhood Services**Meeting Date:** 17/11/09**Keyword:** Health; Crime & Disorder;  
Legal; Health, well-being and  
care;**Item Type:** Executive Member Decision - of 'Normal' importance**Title of Report:** Sales of Age Restricted Products**Description:** Purpose of report: To seek the approval of the Executive Member for Neighbourhoods for the programme of action for the next 12 months in relation to the enforcement of the Children and Young Persons (Protection from Tobacco) Act 1991 in relation to cigarettes/tobacco and the Anti-Social Behaviour Act 2003 in relation to aerosol paint.

Members are asked to: Adopt the suggested programme of enforcement action.

**Wards Affected:** All Wards;**Report Writer:** Colin Rumford**Deadline for Report:** 03/11/09**Lead Member:** Councillor Ann Reid**Lead Director:** Director of Neighbourhood Services**Contact Details:** Colin Rumford

colin.rumford@york.gov.uk

**Implications** Legal**Level of Risk:** 01-03 Acceptable**Reason Key:****Making Representations:** N/A**Process:** N/A**Consultees:** N/A**Background Documents:** Committee Report for Sales of Age Restricted Products**Call-In**

If this item is called-in either pre or post decision, it will be considered by Scrutiny Management Committee on: 23/11/09

**Internal Clearance Process****Pre-Decision**

By Chief Officers at

on:

By Political Group Leaders on:

**FORWARD PLAN ITEM**

**Meeting:** Executive Member for Neighbourhood Services

**Meeting Date:** 17/11/09

**Keyword:** Be significant in terms of its effects on communities;

**Item Type:** Executive Member Decision - of 'Normal' importance

**Title of Report:** Kerbside Recycling and Alternate Week Collection Expansion - Petitions - Update from consultation

**Description:** Purpose of report: To advise the Executive Member for Neighbourhood Services of the Outcome of the consultation in the area from where petitions were received and considered at the Decision Session on 15th September.

Members are asked to: Comment on the results and decide on the proposed outcome.

**Wards Affected:** Guildhall Ward;

**Report Writer:** Geoff Derham

**Deadline for Report:** 03/11/09

**Lead Member:** Councillor Ann Reid

**Lead Director:** Director of Neighbourhood Services

**Contact Details:** Geoff Derham

geoff.derham@york.gov.uk

### Implications

**Level of Risk:** 04-08 Regular monitoring required

**Reason Key:** It is significant in terms of its effect on communities

**Making Representations:** N/A

**Process:** N/A

**Consultees:** Residents of the petition area

**Background Documents:** Committee Report for Kerbside Recycling and Alternate Week Collection Expansion - Petitions - Update from consultation

### Call-In

If this item is called-in either pre or post decision, it will be considered by Scrutiny Management Committee on: 28/09/09

### **Internal Clearance Process**

#### Pre-Decision

By Chief Officers at

on:

By Political Group Leaders on:

By Strategic Policy Panel (if required) on:

#### Post-Decision

## FORWARD PLAN ITEM

**Meeting:** Executive

**Meeting Date:** 01/12/09

**Keyword:** Executive Decision - a 'Key Issue' - decision leading to savings or expenditure of £500,000 or above; Environment; Property; Budget;

**Item Type:** Executive Decision - a 'Key Issue' - decision leading to savings or expenditure of £500,000 or above

**Title of Report:** Mercury Abatement of Flue Gases - York Crematorium

**Description:** Purpose of report: To advise members of the statutory requirement to abate mercury in flue gases from crematoria and to seek support and guidance in respect of action to be taken at York Crematorium.

Members are asked to: Consider the options for the abatement of 2 or 3 cremators and offer advice to support the budget process.

**Wards Affected:** All Wards;

**Report Writer:** Dick Haswell

**Deadline for Report:** 19/11/09

**Lead Member:** Councillor Ann Reid

**Lead Director:** Director of Neighbourhood Services

**Contact Details:** Dick Haswell

dick.haswell@york.gov.uk

**Implications** Financial

**Level of Risk:** 01-03 Acceptable

**Reason Key:** A decision which is likely to result in the Council incurring expenditure, or making savings which are significant having regard to the Council's budget for the service or function to which the decision relates. The savings or expenditure are significant if they are equal to or greater than £500,000 or equal to or greater than £100,000 where the savings or expenditure exceeds 10% of the budget for the service plan area whichever is the less. Expenditure in excess of

Forward Plan Extract  
 these levels will not constitute a key decision if such expenditure is made as part of the implementation of a decision which itself was a key decision e.g. the award of a contract.

**Making Representations:** N/A

**Process:**

**Consultees:** Property, Emergency Planning

**Background Documents:** Committee Report for Mercury Abatement of Flue Gases - York Crematorium

**Call-In**

If this item is called-in either pre or post decision, it will be considered by Scrutiny Management Committee on: 07/12/09

**Internal Clearance Process**

Pre-Decision

By Chief Officers at QCG (No meeting - Circulation Deadline only) on: 29/10/09

By Political Group Leaders on:

By Strategic Policy Panel (if required) on:

Post-Decision

By Strategic Policy Panel (if Required) on:

**FORWARD PLAN ITEM****Meeting:** Executive**Meeting Date:** 01/12/09**Keyword:** Environment; Be significant  
interms of its effects on  
communities;**Item Type:** Executive Decision - of 'Normal' Importance**Title of Report:** National Service Planning Requirements**Description:** Purpose of the Report: This report requests Members to consider a decision referred by the Executive Member for Neighbourhood Services on the 15 September 2009. This referral was made in accordance with the delegation scheme detailed in the Council's Constitution.

Members are asked to: Consider the Executive Member's recommendation as indicated in the above resolution.

**Wards Affected:****Report Writer:** Laura Bootland**Deadline for Report:** 19/11/09**Lead Member:****Lead Director:** Director of Neighbourhood Services**Contact Details:** Laura Bootland, Democracy Officer

laura.bootland@york.gov.uk

**Implications****Level of Risk:** 04-08 Regular  
monitoring required**Reason Key:** It is significant in terms of  
its effect on communities**Making Representations:****Process:** N/A**Consultees:** N/A**Background Documents:** Committee Report for National Service Planning  
requirements**Call-In**

If this item is called-in either pre or post decision, it will be considered by Scrutiny Management Committee on: 07/12/09

**Internal Clearance Process****Pre-Decision**By Chief Officers at QCG (No meeting - on:  
Circulation Deadline  
only)

By Political Group Leaders on:

**FORWARD PLAN ITEM****Meeting:** Executive Member for City Strategy**Meeting Date:** 01/12/09**Keyword:****Item Type:** Executive Member Decision - of 'Normal' importance**Title of Report:** Public Rights of Way - Proposal to restrict public rights over 7 alleyways in the Southbank area of Micklegate Ward, York**Description:** Purpose of report: The report is in response to a proposal put forward by Safer York Partnership to restrict public use over these alleyways in order to help reduce crime and anti-social behaviour in the area.

Members are asked to: Report considers options to progress the matter.

**Wards Affected:****Report Writer:** Emily Machin **Deadline for Report:** 17/11/09**Lead Member:** Councillor Steve Galloway**Lead Director:** Director of City Strategy**Contact Details:** Emily Machin

emily.machin@york.gov.uk

**Implications****Level of Risk:** 01-03 Acceptable **Reason Key:****Making Representations:** N/A**Process:** N/A**Consultees:** N/A**Background Documents:** Committee Report for Public Rights of Way - Proposal to restrict public rights over 7 alleyways in the Southbank area of Micklegate Ward, York**Call-In**

If this item is called-in either pre or post decision, it will be considered by Scrutiny Management Committee on: 07/12/09

**Internal Clearance Process**Pre-Decision

By Chief Officers at

on:

By Political Group Leaders on:

By Strategic Policy Panel (if required) on:

Post-Decision

By Strategic Policy Panel (if Required) on:



**FORWARD PLAN ITEM****Meeting:** Executive Member for City Strategy**Meeting Date:** 01/12/09**Keyword:****Item Type:** Executive Member Decision - of 'Normal' importance**Title of Report:** Public Rights of Way - Proposal to restrict public rights over the alleyway between St Paul's Terrace and Railway Terrace, Holgate Ward, York**Description:** Purpose of report: Report is in response to the receipt of requests made by Councillors and residents to restrict public use over this alleyway in order to help reduce crime and anti-social behaviour associated with it.

Members are asked to: To consider two options to progress the matter.

**Wards Affected:****Report Writer:** Emily Machin **Deadline for Report:** 17/11/09**Lead Member:** Councillor Steve Galloway**Lead Director:** Director of City Strategy**Contact Details:** Emily Machin

emily.machin@york.gov.uk

**Implications****Level of Risk:** 01-03 Acceptable **Reason Key:****Making Representations:** N/A**Process:** N/A**Consultees:** N/A**Background Documents:** Committee Report for Public Rights of Way - Proposal to restrict public rights over the alleyway between St Paul's Terrace and Railway Terrace, Holgate Ward, York**Call-In**

If this item is called-in either pre or post decision, it will 07/12/09 be considered by Scrutiny Management Committee on:

**Internal Clearance Process****Pre-Decision**

By Chief Officers at

on:

By Political Group Leaders on:

By Strategic Policy Panel (if required) on:

**Post-Decision**

**FORWARD PLAN ITEM****Meeting:** Executive Member for City Strategy**Meeting Date:** 01/12/09**Keyword:****Item Type:** Executive Member Decision - of 'Normal' importance**Title of Report:** Public Rights of Way - Proposal to restrict public rights over 10 alleyways in the Leeman Road area of Holgate Ward, York**Description:** Purpose of report: The report is in response to a proposal put forward by Safer York Partnership, Councillors and requests from residents to restrict public use over these alleyways in order to help reduce crime and anti-social behaviour in the area.

Members are asked to: Report considers options to progress the matter.

**Wards Affected:****Report Writer:** Emily Machin**Deadline for Report:** 17/11/09**Lead Member:** Councillor Steve Galloway**Lead Director:** Director of City Strategy**Contact Details:** Emily Machin

emily.machin@york.gov.uk

**Implications****Level of Risk:** 01-03 Acceptable**Reason Key:****Making Representations:** N/A**Process:** N/A**Consultees:** N/A**Background Documents:** Committee Report for Public Rights of Way - Proposal to restrict public rights over 10 alleyways in the Leeman Road area of Holgate Ward, York**Call-In**

If this item is called-in either pre or post decision, it will be considered by Scrutiny Management Committee on: 07/12/09

**Internal Clearance Process****Pre-Decision**

By Chief Officers at

on:

By Political Group Leaders on:

By Strategic Policy Panel (if required) on:

**Post-Decision**

By Strategic Policy Panel (if Required) on:

<b>FORWARD PLAN ITEM</b>	
<b>Meeting:</b>	Executive Member for Neighbourhood Services
<b>Meeting Date:</b>	19/01/10
<b>Keyword:</b>	Environment; Budget; Be significant in terms of its effects on communities;
<b>Item Type:</b>	Executive Member Decision - of 'Normal' importance
<b>Title of Report:</b>	Expansion of Kerbside Boxes
<b>Description:</b>	Purpose of report: Information only. Members are asked to: Note the report.
<b>Wards Affected:</b>	All Wards;
<b>Report Writer:</b>	Geoff Derham
<b>Lead Member:</b>	Councillor Ann Reid
<b>Lead Director:</b>	Director of Neighbourhood Services
<b>Contact Details:</b>	Geoff Derham  geoff.derham@york.gov.uk
<b>Implications</b>	Equalities
<b>Level of Risk:</b>	01-03 Acceptable
<b>Reason Key:</b>	It is significant in terms of its effect on communities
<b>Making Representations:</b>	
<b>Process:</b>	
<b>Consultees:</b>	
<b>Background Documents:</b>	Committee Report for Expansion of Kerbside Boxes
<b>Call-In</b>	
If this item is called-in either pre or post decision, it will be considered by Scrutiny Management Committee on: 09/11/09	
<b><u>Internal Clearance Process</u></b>	
<u>Pre-Decision</u>	
By Chief Officers at on:	
By Political Group Leaders on:	
By Strategic Policy Panel (if required) on:	
<u>Post-Decision</u>	
By Strategic Policy Panel (if Required) on:	

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