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MEETING	EXECUTIVE MEMBER FOR NEIGHBOURHOOD SERVICES AND ADVISORY PANEL
DATE	4 SEPTEMBER 2008
PRESENT	COUNCILLORS BOWGETT (CHAIR), AYRE (VICE-CHAIR), CRISP, HOLVEY, KING, REID (EXECUTIVE MEMBER), TAYLOR AND WATT

#### **17. DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. There were no declarations of interest.

#### **18. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the press and public be excluded from the meeting during consideration of annexes 2 and 3 to agenda item 9 (2008-09 First Monitoring Report – Finance and Performance) (minute 95 refers) on the grounds that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information). This information was classed as exempt under Paragraphs 3 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

#### **19. MINUTES**

RESOLVED: That the minutes of the meeting held on 5 June 2008 be approved and signed by the Chair as a correct record subject to the list of Members present at the meeting being amended to indicate that Councillor Waller attended the meeting as a substitute for Councillor Reid (Executive Member).

#### **20. PUBLIC PARTICIPATION**

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

## 21. SMOKEFREE LEGISLATION UPDATE

Further to a report which was brought to and approved at the Meeting of the Executive Member for Neighbourhood Services and Advisory Panel on 7 June 2008, Members received a report which provided an update on how smokefree legislation had been implemented in the City of York Council area.

The Assistant Director (Neighbourhoods and Community Safety) reported that the level of compliance had been high and people had generally accepted the new legislation. He advised Members that now the two temporary Smokefree Officer posts, which had been funded through the grant, had expired, the occasional complaints being received had been incorporated into the existing work load of enforcement officers in the health and safety team.

Members discussed the consequences of the smokefree legislation and it was noted that there had been an increase in planning applications for smoking shelters at licensed premises. Members also discussed the problem of increased noise outside premises where people congregated to smoke and chat and also an increase in litter caused by people not recognising dropping cigarette ends at littering.

The Assistant Director (Neighbourhoods and Community Safety) acknowledged the problems. He advised Members that enforcement action was taking place and some fixed penalty notices had been issued. Furthermore his team were liaising with businesses with regard to providing ashtrays/bins to staff/customers smoking outside and cleaning up around buildings where people had been smoking. With regard to the noise problem he advised Members that a report from the Noise Nuisance Team would be brought to the Committee in the near future.

The Executive Member conveyed Members' thanks to officers for their hard work in the implementation of the legislation.

### Advice of the Advisory Panel

That the Executive Member be advised to note the contents of the report.

### Decision of the Executive Member:

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

REASON: In order that the Executive Member and Advisory Panel are updated on how smokefree legislation has been implemented in the City of York Council area.

## **22. REGIONAL SCAMBUSTER TEAM**

Members received a report informing them of an initiative by the Department for Business, Enterprise and Regulatory Reform (BERR) to establish regional trading standards 'Scambuster Teams' to tackle cross boundary rogue trading. The report also informed Members that that City of York Council were successful in their bid to attract approximately £750k of grant funding over 3 years to establish and host a scambusting team on behalf of the Yorkshire and the Humber region.

Members raised the point that not all scam threats were local or regional but could be national or international and enquired as to how the team would deal with these levels of treats. The Assistant Director (Neighbourhoods and Community Safety) explained that the Regional Scambuster Team was able to deal with level 2 threats whereas any threats at level 3 threats would be dealt with by the National Team and level 1 threats could be dealt with by the local authority. A referrals process up and down the hierarchy was in place.

Members queried what would happen to the team at the end of the 3 year period covered by the grant. The Assistant Director (Neighbourhoods and Community Safety) stated that reporting mechanisms were in place and if it could be proved with statistics that money had been taken from criminality then there was the hope that a team could continue after the initial 3 years.

Members congratulated officers in their success in the bid made by City of York Council on behalf of the Yorkshire and the Humber Trading Standards Group.

### Advice of the Advisory Panel

That the Executive Member be advised to note the contents of the report.

### Decision of the Executive Member:

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

REASON: To make Members aware of the establishment of the Regional Scambuster Team, with York as the host authority.

## **23. NEIGHBOURHOODS & COMMUNITY SAFETY GROUP LEGAL ACTIONS**

Members received a report informing them of the results of legal actions (prosecutions, cautions and fixed penalties) undertaken by the Neighbourhoods and Community Safety area of the Directorate of Neighbourhood Services (Environmental Health, Trading Standards, and Licensing) for the period 1<sup>st</sup> April – 30<sup>th</sup> June 2008.

The Assistant Director (Neighbourhoods and Community Safety) drew Members' attention to the annex which summarised completed prosecutions and the fixed penalty notices and cautions that had been issued.

#### Advice of the Advisory Panel

That the Executive Member be advised to note the contents of the report.

#### Decision of the Executive Member:

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

REASON: In order that the Executive Member is updated on formal enforcement activity undertaken by the Neighbourhoods and Community Safety Group

## **24. AIR QUALITY UPDATE**

Members received a report updating them of the outcome of the recent Air Quality Support Grant (AQSG) applications made to the Department for Environment, Food and Rural Affairs (DEFRA). Three AQSG bids were made in relation to the council's ongoing Local Air Quality Management (LAQM) work. The report provided an overview of the planned expenditure of the AQSG and required a decision to be taken on the amount of AQSG to be accepted from DEFRA. The report also provided a general update on local air quality management in York.

The report presented the following options for consideration:

(a) To accept air quality grants from DEFRA totalling £15,000 and allow the air quality projects outlined in paragraphs 6 to 11 to proceed.

(b) To reject some or all of the air quality grants from DEFRA and revise the planned air quality projects for 2008/2009 accordingly.

The Assistant Director (Neighbourhoods and Community Safety) advised Members that in previous years City of York had been very successful in their bids and attracted some of the highest grants outside London. However this year, due to a national shortfall in the amount of grant available, the Council had provisionally been allocated an award well below the amount it had bid for.

Members expressed their concerns over the level of grant allocated stating that it would impinge on their ability to monitor air quality in the City of York area. They asked that a letter of complaint be sent to DEFRA to this effect.

Officers answered Members queries in relation to specific air quality issues and on work which was required on air quality monitoring, air quality modelling and air quality action planning. They explained how the low level of grant would impact on the planned work.

### Advice of the Advisory Panel

- (i) That the Executive Member be advised that Option (a), as outlined at paragraph 28, to accept air quality grants from DEFRA totalling £15,000, be approved and allow the air quality projects outlined in paragraphs 6 to 11 to proceed. <sup>1</sup>
- (ii) That a letter be sent to DEFRA advising them that the Council is not happy with the level of grant received as it impinges on their legal duty to monitor air quality. <sup>2</sup>

### Decision of the Executive Member:

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

REASON: It represents the most appropriate way of funding the continuation of LAQM in the city. This is a statutory undertaking that contributes towards the corporate priorities on improving the health of residents and encouraging the use of public, and other environmentally friendly, modes of transport.

### Action Required

- 1. To accept air quality grants from DEFRA totalling £15,000 and allow the air quality projects outlined in paragraphs 6 to 11 to proceed. KS
- 2 That a letter be sent to DEFRA regarding the level of grant received. KS

## **25. 2008-09 FIRST MONITORING REPORT - FINANCE AND PERFORMANCE**

Members received a report presenting the latest projections for revenue and capital expenditure for the Neighbourhood Services portfolio and traded accounts and progress against the directorate plan priorities, including performance against target for the directorate's key performance indicators.

The Director of Neighbourhood Services updated Members on performance. He reported that the graffiti website had now been launched and appealed to members of public to work with the Council by taking photos of graffiti tags and submitting them through the website and passing on any information they had on taggers to enable officers to update the database. He reported that recently there had been a number of arrests for graffiti.

The Director of Neighbourhood Services reported a positive improvement in sickness levels by announcing that the forecast for sickness absence for 2008-09 was down by 1.5% on 2007-08. The Executive Member requested

information on actions that the department was taking regarding sickness including figures which make a distinction between long term sickness and those illnesses requiring only 1-2 days off work. <sup>1</sup>

The Director of Neighbourhood Services answered Members queries in relation to other performance issues. He then updated Members on financial issues and responded to questions raised on specific areas.

#### Advice of the Advisory Panel

That the Executive Member be advised to:

- (i) approve the financial and performance position of the portfolio.
- (ii) approve the request to release contingency, subject to the approval of the Executive. <sup>2</sup>

#### Decision of the Executive Member:

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

REASON: In accordance with budgetary and performance monitoring procedures.

#### Action Required

1. To circulate information on sickness requested by the Executive Member. KS
2. To refer to the Executive for approval as part of the Corporate Finance & Performance Monitoring Report KS

## **26. FORWARD PLAN**

The Director of Neighbourhood Services updated Members on items listed on the Forward Plan for the Executive Member for Neighbourhood Services and Advisory Panel (EMAP) for the 2008/09 municipal year.

He advised Members that reports on the following issues would be presented at the next meeting on 15 October 2008.

- Update on City of York Public Toilet Review
- Yorkshire in Bloom 2008 Update
- Update on Litter Enforcement Policy and juveniles
- Statutory Declaration of Regulation of Pollution from Crematorium
- Staff Wellbeing Initiatives
- Update on Noise Nuisance Team Activities
- Environmental Health National Service Plans

Councillor Taylor asked for an update on his request for a report on reuse of waste and the Director of Neighbourhood Services advised him that this

report would be presented to Members at the meeting on 4 December as well as a report on security at the Depot.

Advice of the Advisory Panel

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

Decision of the Executive Member

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

REASON: To inform Members of forthcoming issues.

COUNCILLOR A WALLER,  
EXECUTIVE MEMBER

*(This was amended to read "Councillor A Reid, Executive Member" at the meeting on 15 October 2008)*

COUNCILLOR D BOWGETT,  
CHAIR

[The meeting started at 5.00 pm and finished at 6.50 pm].