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MEETING	SCRUTINY MANAGEMENT COMMITTEE (CALLING IN)
DATE	4 APRIL 2011
PRESENT	COUNCILLORS ALEXANDER (VICE-CHAIR, IN THE CHAIR), FIRTH, ORRELL, SIMPSON-LAING, TAYLOR, WAUDBY, HORTON (SUBSTITUTE) AND HEALEY (SUBSTITUTE)
APOLOGIES	COUNCILLORS GALVIN AND GUNNELL

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### **35. 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.

Cllr Alexander declared a personal interest in agenda item 5 (Update on Reablement Service), as a member of the GMB.

Cllr Simpson-Laing declared a personal interest in agenda item 5, as a member of UNISON.

Cllr Taylor declared a personal interest in agenda item 6 (Draft Framework for York Low Emissions Strategy), as a member of the Friends of St Nicholas Fields.

### **36. PUBLIC PARTICIPATION / OTHER SPEAKERS**

No members of the public had registered to speak at the meeting under the Council's Public Participation Scheme. One union representative had requested to speak.

Heather McKenzie, of UNISON, spoke in relation to agenda item 5 (Update on Reablement Service). She re-iterated the points that she had made on this item at the Executive meeting on 15 March and added that insufficient time had been allowed to enable staff to submit a tender for the service as suggested in the Executive's resolution (i)(d).

## 37. MINUTES

RESOLVED: That the minutes of the Scrutiny Management Committee (Calling In) meeting held on 21 March 2011 be approved and signed by the Chair as a correct record.

## 38. CALLED-IN ITEM: UPDATE ON REABLEMENT SERVICE

Members received a report which asked them to consider the decisions made by the Executive at their meeting on 15 March 2011 in relation to a report providing an update on the opportunities offered by a remodelled reablement service and seeking a decision on the next steps for the service.

Details of the Executive's decisions were attached as Annex A to the report and the original report to the Executive was attached as Annex B. The decisions had been called in by Cllrs Alexander, Fraser and Simpson-Laing, on the grounds that:

- *The Executive failed to properly assess the performance of the previously privatised part of the Home Care Service, and analyse the reason for its many failures*
- *Inadequate consultation has taken place with the Council's major partner affected by the performance of the Reablement Service, York Teaching Hospitals Foundation Trust, the Council Leader and Executive Member having only met with the hospital Chief Executive the day prior to the Executive Meeting*
- *No analysis of the reasons for the escalating hospital delayed discharge statistics has taken place*
- *The financial comparisons of the costs of providing the service between the in-house team and the private sector are flawed*
- *The decision runs contrary to previous assurances given to the Council's staff in 2005/6, at the time of the privatisation of the Long-term Care Service.*

Members were asked to decide whether to confirm the decisions (Option A) or to refer them back to the Executive for re-consideration (Option B).

Cllr Fraser addressed the Committee on behalf of the Calling-In Members. He expanded on the reasons given for the call-in and queried in particular why a partnership with the hospital had not

been considered. He echoed the comments made by the union representative concerning the time allowed for staff to submit a tender for the service and urged Members to refer the matter back to the Executive for re-consideration.

Officers responded to the points made, stressing that the quality of the service would not be put at risk by outsourcing, that consultation had been carried out with the hospital, and that staff had been given sufficient opportunity to submit a tender. They noted that the assurances to staff in 2005/6 referred to in the calling-in reasons had included a notification that the service would be reviewed. Current proposals represented the outcome of that review.

After a full debate, Cllr Simpson-Laing moved, and Cllr Horton seconded, that Option B be approved and the matter referred back to the Executive, for the reasons outlined in the calling-in, with a recommendation that they amend their decisions to allow staff sufficient time to work on plans to form a mutual or social enterprise company, or a Local Authority Traded Company. This proposal was then put to the vote. 4 Members voted in favour and 4 against. The Chair then used his casting vote in favour of the proposal and it was

RESOLVED: that Option B be approved and the matter referred back to the Executive for reconsideration, with a recommendation that they amend their decisions to allow staff sufficient time to work on plans to form a mutual or social enterprise company, or a Local Authority Traded Company.

REASON: In accordance with the requirements of the Council's Constitution and for the reasons outlined in the calling-in.

**39. CALLED-IN ITEM: DRAFT FRAMEWORK FOR YORK LOW EMISSIONS STRATEGY**

Members received a report which asked them to consider the decisions made by the Executive at their meeting on 15 March 2011 in relation to a report presenting a draft framework for the York Low Emission Strategy, to be taken forward for public consultation in 2011.

Details of the Executive's decisions were attached as Annex A to the report and the original report to the Executive was attached as Annex B. The decisions had been called in by Cllrs Gunnell, Merrett and B Watson, on the grounds that:

*(The draft LES Framework)*

- *is wholly inadequate given the number of premature deaths and ill health that worsening traffic related pollution is causing;*
- *offers no clear target for when health-based limits are to be achieved;*
- *provides no commentary on the effect of the different measures mentioned or on what impact the overall strategy will have;*
- *contains no proper discussion nor makes any positive recommendations for potentially the most effective solution to the emissions problem of a Low Emission Zones (LEZ), as now used in London, Norwich, and 200 cities across Europe;*
- *and leaves the Council vulnerable to potential significant EU fines should the UK Government's current legislative proposal to pass down any EU fines on the UK to individual local authorities covering areas failing to meet the EU legislative requirements.*

Members were asked to decide whether to confirm the decisions (Option A) or to refer them back to the Executive for re-consideration (Option B).

Cllr Merrett addressed the Committee on behalf of the Calling-In Members. He noted that the recommendations made by the SMC on 14 June 2011 following a previous call-in of proposals for a Low Emissions Strategy had not been followed and that the LES Framework did not examine in detail the crucial issue of Low Emission Zones (LEZs). He asked that the matter be referred back to the Executive to ensure the production of an effective strategy within a reasonable time.

Officers responded to the points made, noting that York currently met all health-based objectives in respect of air quality. The issue of most concern in the City was NO<sub>2</sub>, the health effects of which were less clear cut than those of particulates. Further information on current emissions was required before predicting future emissions and the best way to tackle them. More research into the effectiveness of LEZs was also needed,

hence the reason for including an LEZ feasibility study in the LES Framework.

After a full debate, Cllr Horton moved, and Cllr Simpson-Laing seconded, that Option B be approved and the matter referred back to the Executive for reconsideration, for the reasons outlined in the calling-in, with a recommendation that they give the matter more positive and detailed consideration. This proposal was then put to the vote. 4 Members voted in favour and 4 against. The Chair then used his casting vote in favour of the proposal and it was

RESOLVED: That Option B be approved and the matter referred back to the Executive for reconsideration, with a recommendation that they give the matter more positive and detailed consideration.

REASON: In accordance with the requirements of the Council's Constitution and for the reasons outlined in the calling-in.

J Alexander, Chair

[The meeting started at 5.00 pm and finished at 6.15 pm].