



Notice of meeting of

Decision Session - Cabinet Member for Communities and Neighbourhood Services

To: Councillors Looker (Cabinet Member)

Date: Tuesday, 20 September 2011

Time: 4.30 pm

Venue: The Guildhall, York

AGENDA

Calling In.

Notice to Members - Calling In:

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

10:00 am on Monday 19 September 2011, if an item is called in *before* a decision is taken, *or*

4:00 pm on Thursday, 22nd September 2011, if an item is called in *after* a decision has been taken.

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

1. **Declarations of Interest**

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

2. Minutes

To approve and sign the minutes of the Decision Session held on 15 March 2011.

3. Public Participation - Decision Session

At this point in the meeting, members of the public who have registered their wish to speak at the meeting can do so. The deadline for registering is **5pm on Monday 19 September 2011.**

Members of the public may speak on item on the agenda, an issue within the Executive Member's remit, or an item that has been published on the Information Log for the current session. There are no Information Reports for this session.

4. Environmental Services Quarter 1 Service (Pages 1 - 18) Plan Progress Report.

The purpose of this report is to provide the Cabinet Member for Communities and Neighbourhoods with an update on Financial Performance, progress against service plan improvement actions and performance measures for Environment. Status cards for actions and performance measures are attached at Appendix 1 and 2.

5. Recovering the cost of Health and Safety (Pages 19 - 26) Regulation

To inform the Cabinet Member of the Health and Safety Executive's consultation about proposals to allow the HSE and local authorities to recover the cost of their regulatory work. To seek approval of a response to the consultation on the proposed changes.

6. Urgent Business

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

Democracy Officer:

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

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

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City of York Council

Committee Minutes

MEETING	DECISION SESSION - EXECUTIVE MEMBER FOR NEIGHBOURHOODS AND HOUSING.
DATE	15 MARCH 2011
PRESENT	COUNCILLORS REID (EXECUTIVE MEMBER)

46. DECLARATIONS OF INTEREST

At this point in the meeting the Executive Members is asked to declare any personal or prejudicial interests in the business on the agenda. None were declared.

47. MINUTES

RESOLVED: That the minutes of the meeting held on 15 February be approved and signed by the Chair as a correct record.

48. PUBLIC PARTICIPATION - DECISION SESSION

It was reported that there had been no registrations to speak under the Council's public participation scheme.

Councillors Alexander and Simpson Laing had submitted written comments, details of which are reported under the relevant minute items.

49. UPDATE ON PRIVATE SECTOR STRATEGY.

The Executive Member considered a report which outlined the progress made on delivering the Private Sector Housing Strategy and proposed a refreshed action plan to reflect and compliment the changes.

Officers outlined the report in particular the addition of Aim 6 'To help create sustainable homes and reduce carbon emissions from the domestic sector'.

Councillor Simpson Laing submitted the following comments:

- Welcomed the fact that a sixth strategic aim has been introduced with regard to Sustainable Homes and the reduction of carbon emissions from the domestic sector.
- Advised that she believes the powers that the Council has against the private rented sector are still weak due to a lack of inspection powers.

In response Officers advised that due to a lack of funding there can be no increase in staff on the inspection team and at present there is no case for selective licensing in York.

The Executive Member was happy to approve the Officers recommendation.

RESOLVED: (i) That the Executive Member noted the overall progress made to date in delivering the Private Sector Housing Strategy.

(ii) That the Executive Member approved Option as outlined in paragraph 17 of the report

REASON: So that the Council can encourage the private sector housing stock to be maintained and reduce the carbon emissions.

50. REMOVAL OF PRIVATE SECTOR RENEWAL FUNDING - IMPACT ON THE YORK HOME IMPROVEMENT AGENCY.

The Executive Member considered a report which advised on the local impact on services for York's private residents and in particular the York Home Improvement Agency, of the national removal of private sector funding.

Officers outlined the report and advised that the removal of funding is a result of the Comprehensive Spending Review and the national decision to end the allocation of funding of funding for private sector renewal from 1st April 2011. Paragraph 6 of the report highlighted that the removal of the funding would have a direct impact on service delivery especially in relation to improving housing conditions in the private sector. Officers also advised that they are in discussions with Yorkshire Housing to keep the York handyperson scheme operating.

The Executive Member commented that it was disappointing to receive such bad news but was pleased to note the attempts at keeping the Handyperson service operating.

RESOLVED: (i) That the Executive Member noted the impact of the private sector renewal funding on service delivery both within the council and with the council's partnering organisation the York Home Improvement Agency.

(ii) That the Executive Member approved Option 1 as outlined in paragraph 15 to not renew the York Home Improvement Agency contract on its expiry.

REASON: To ensure that the Council does not incur unnecessary financial expenditure.

51. ACHIEVING THE DECENT HOMES STANDARD.

The Executive Member considered a report which advised that City of York Council had met the decent homes standard in December 2010 in line with central governments expectations through a programme of modernisation and improvement outlined as set out within Housing Revenue Account Business Plan.

Officers outlined the report and advised that City of York Council had retained their whole house modernisation commitment under the York Standard. This is due to the 'Decent Homes' standard prescribing life spans for internal elements covered under Tenant Choice such as kitchens and bathrooms. The life spans differ from 15 to 40 years and would of resulted in tenants receiving elements individually and create more disturbance.

Councillor Simpson-Laing had submitted comments relating to the report and queried why some residents in her ward are only just receiving their new kitchens and bathrooms. Officers advised that some houses had not failed the standards prior to December 2010 and are in the programme to receive modernisation this year.

- RESOLVED: (i) That the Executive Member noted that the Council has met the decent homes standard in line with the Governments December 2010 target.
- (ii) That the Executive Member approved Option as outlined in paragraph 12 to continue to maintain the York Standard, as set out within the Housing Capital Programme, as the way forward when developing the revised Housing Revenue Account Business Plan.

REASON: To ensure that the Council maintains its housing stock to an excellent standard.

52. DECORATION VOUCHER & DISTURBANCE ALLOWANCE SCHEME ALLOWANCES.

The Executive Member considered a report which proposed changes to the way the Council provides decoration and disturbance allowances for the council housing stock to ensure value for money and contractor performance are being achieved.

Officers outlined the report and advised that during the 2009/10 modernisation a total of £89,782 was spent on decoration vouchers and £84,745 on disturbance allowance. Due to these significant costs, Officers have looked into alternative arrangements to achieve better value for money as follows:

- The introduction of 'paint packs' delivered to the tenants door.
- Works to be completed within 10 working days and disturbance allowance be reduced accordingly.

A consultation carried out in November 2010 had indicated that 98% of tenants that completed feedback cards were in favour of a revised scheme.

Councillor Simpson-Laing had submitted a written comment and advised that although she supported the improvements, she felt that there had been a lot of public criticism on the matter due to the Press coverage and felt that the press should have been given a clearer explanation of the scheme.

The Executive Member queried whether disturbance allowance would be increased if the work being undertaken lasted longer than 10 days. Officers confirmed that the scheme allows for some flexibility.

RESOLVED: That the Executive Member approved Options 1 & 2 as set out in the report to change the way Decorations and Disturbance allowances are provided.

REASON: To ensure that the Council provides a value for money efficient service.

53. INTRODUCTION OF TENANT INSPECTORS

The Executive Member considered a report which highlighted the progress made in recruiting tenant inspectors and sought endorsement for the proposed structure for reporting inspectors recommendations.

Officers outlined the report, in particular that following the Governments decision to abolish the Tenant Services Authority, there is the need for Authorities to have some form of self regulation.

The Executive Member commented that the Tenant Inspectors scheme would be useful for encouraging service users to become more involved and that Members could also feedback any comments they receive.

RESOLVED: That the Executive Member approved Option 1 and specifically endorsed the proposed structure for reporting recommendations that are set out in paragraph 11.

REASON: By introducing the service it will encourage customer involvement in shaping the housing service and will provide the service with greater transparency.

54. ANNUAL HIGHWAY MAINTENANCE REPORT

The Executive Member considered a report which provided a review of the service performance in highway maintenance over the last year, it examined the issues arising and proposed programmes of work to be undertaken in the financial year 2011/12.

Officers outlined the report and highlighted the following key points:

- Work is now being procured through the Specialist Surfacing Framework Agreement and not Tarmac.
- 200k allocated by Members for high priority drainage works had been spent successfully.
- The 5 carriageway resurfacing schemes that are to carry over into 2011/12.

Councillor Alexander had submitted a written comment to request that the road and footpath scheme for Holgate be given priority due to the number of elderly residents that are concerned about the state of the footpaths in the area. Officers advised that the work would be carried out this financial year.

The Executive Member thanked the winter gritting teams in particular the drivers who had worked tirelessly and acknowledged that the resurfacing schemes had been successful and was happy that more had been completed than anticipated in the past year.

RESOLVED: That the Executive Member:

- (i) Noted the review of the 2010/11 and the proposals for 2011/12.
- (ii) Approved the allocation of budgets for 2011/12.
- (iii) Approved the implementation of the proposed programme.
- (iv) Approved the reserve list of schemes.
- (v) Approved the additional £823k capital and revenue scheme programme.
- (vi) Noted that the Executive would be asked to approve the use of £657k from contingencies.
- (vii) Approved the use of preformed speed cushions that are bolted to the roads surface and other such industry wide innovations that will improve City road surfaces.

REASON: To ensure delivery of highway maintenance services in an efficient and cost effective manner.

55. SNOW WARDENS

The Executive Member for Neighbourhoods and Housing considered a report which highlighted the advantages of the recruitment of snow wardens to enhance the city's winter maintenance resilience and to agree the scope of the role and method of funding.

Officers outlined the report and advised that a similar scheme is being trialled in Sheffield. Further investigations are required as to the exact number and profiles of the volunteers to be recruited and would be looked at further once approval for funding had been given.

The Executive Member commented that Community Payback workers had cleared snow during the winter and suggested that Officers look into the possibility of creating a link with such workers to identify ways in which they could assist in clearing snow in areas with a high a number of elderly residents.

RESOLVED: (i) That the Executive Member agreed the scope of the Snow Warden role and approved the use of funding as set out in paragraph 15.

(ii) That the Executive Member recommended that Officers look into the possibility of creating a link with Community Payback to cul-de-sacs and streets with many elderly residents to identify ways they could help the elderly to clear snow.

REASON: To enhance the winter maintenance resilience at a local level.

56. PUBLIC PROTECTION LEGAL ACTIONS

The Executive Member considered a report which outlined the results of legal actions undertaken by Environmental Health, Trading Standards and Licensing Services for the period 1st October 2010 to 31st December 2010.

Officers outlined the report and advised that it sought approval for the continuation of the current enforcement policy.

RESOLVED: That the Executive Member approved the report and the continuation of the current policy.

REASON: So that the Executive Member reviews formal enforcement activity undertaken by Environmental Health, Trading Standards, and Licensing Services.

57. 2010/11 QUARTER 3 PERFORMANCE REPORT.

The Executive Member received a quarterly update report on the Performance Indicators in the Housing Service Plan 2010/11 for the period April to December 2010 and progress on Quarter 3 actions contained in the Service Plan.

RESOLVED: That the Executive Member noted the report.

REASON: To keep the Executive Member informed on service performance.

Councillor Reid, Chair.

[The meeting started at 4.00 pm and finished at 5.05 pm].

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Decision Session – Cabinet Member for Communities and Neighbourhoods

20th September 2011

Report of the Assistant Director (Environment)

Quarter 1 April – June 2011 Finance and Performance update for CAN's Environment Services

Summary

1. The purpose of this report is to provide the Cabinet Member for Communities and Neighbourhoods with an update on Financial Performance, progress against service plan improvement actions and performance measures for Environment. Status cards for actions and performance measures are attached at Appendix 1 and 2.

Financial Performance

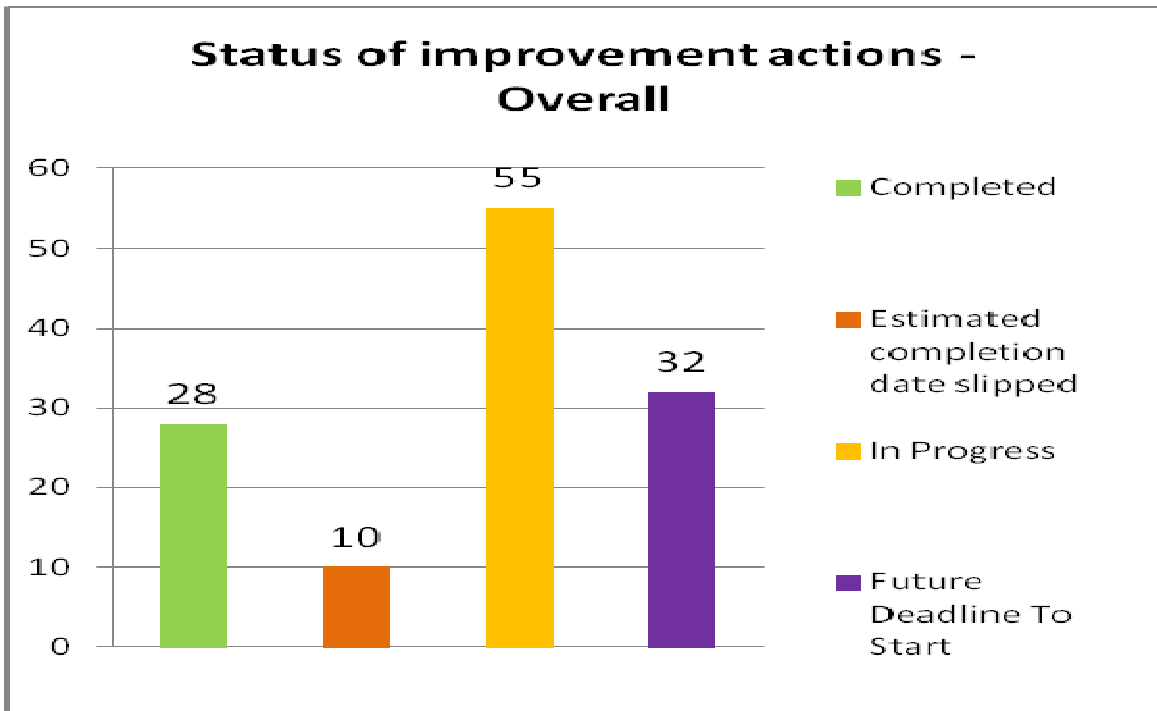
2. The Communities and Neighbourhoods portfolio for Environment is forecast to achieve £1,205k against a significant in year budget savings target of £1,280k. Savings are being achieved through a challenging programme of service reviews and service improvements. The £75k shortfall from the savings target is a one off in year shortfall due to the delayed implementation of revised waste collection rounds (£43k) and the joint service review and restructure of Neighbourhood Pride Services and Parks & Open Spaces (£32k). Full year savings will be achieved in 2012/13.
3. The approved 2011/12 revenue budget for the Communities and Neighbourhoods portfolio for Environment is summarised as follows:

	Net Budget £'000	Forecast Variation £'000	Forecast Variation %
Cleaning – Loss of large school contracts (£245k), partly offset by a reduction in variable costs (£197k)	-41	+48	-117.07
Highways Maintenance – no significant variances	9,674	+0	+0

	Net Budget £'000	Forecast Variation £'000	Forecast Variation %
Parks and Open Spaces – one off overspend due to delayed implementation of the Parks and Neighbourhood Pride Service review	1,127	+32	+2.83
Neighbourhood Pride Service	2,801	+0	+0
Parking Services – Reduction in the number of PCNs issues (£42k) and reduction of repairs and maintenance budget (by £10k) will result in overspend as lights must be replaced	2,901	+52	+1.79
Street Environment and Enforcement – no significant variances	598	+0	+0
Waste Management – contractual obligation to apply RPI to contract prices (£179k), reduced income plus extra hazardous waste at HWRC (£47k) offset by changes to WEEE regulations (£-100k), increased income from recyclates (£48k) and rental income (£19k)	5,118	+86	+1.68
Waste Collection – Overspend due to delayed implementation of round reduction saving	3,732	+43	+1.15
Other	-13	+0	+0
Total)	25,987	+261	+1.01

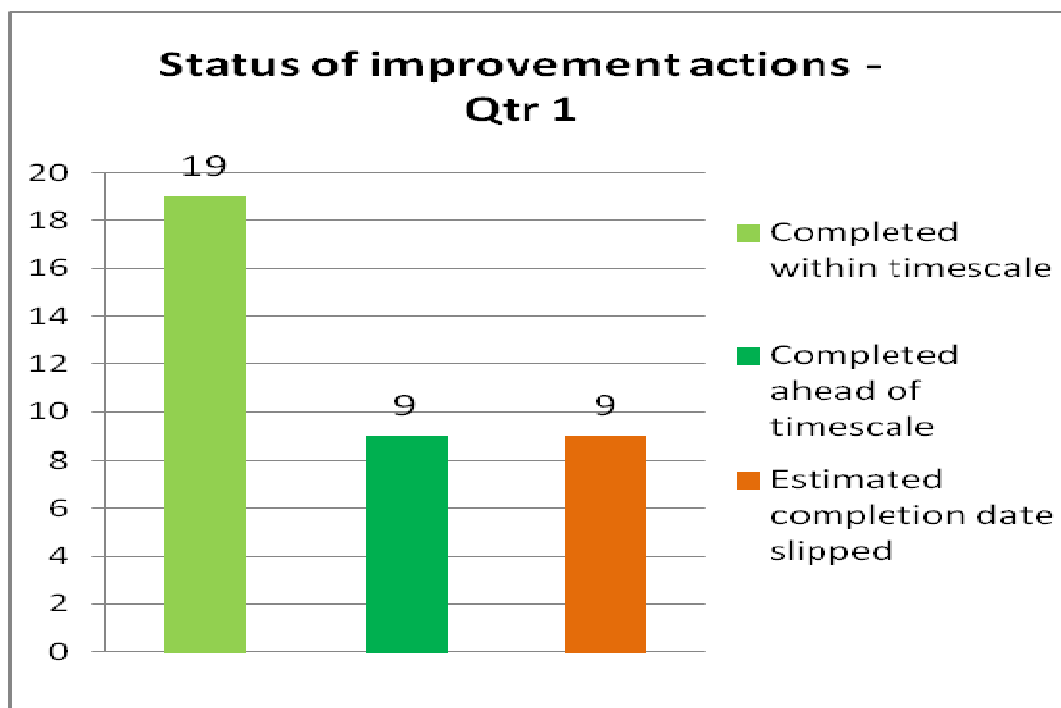
Service Plan Actions and Performance Indicator Headlines

- Environmental Services have a very challenging service improvement plan for 2011/2012 with 125 improvement actions to be completed by March 2012.



Quarter 1 Service Plan update

- For Quarter 1 (April – June), 28 Service Plan actions were due to be completed by the end of June 2011. Nineteen actions have been completed within timescale and a further nine actions have been completed ahead of timescale making total actions completed 28. Whilst nine actions have passed the estimated timescale for completion they are all in progress with an expectation that all will be completed by March 2012, however the majority will be completed by October 2011. There are no actions where the deadline has passed and work has not commenced.



Completed Actions within timescale include:

- Working with residents from Navigation Road and Sowerby Road as part of the Kerbside Improvement Programme. New recycling containers have been provided and promotional materials developed. In addition as part of a review of waste communication and promotion a more targeted approach has resulted in a budget saving of £20k.
- Temporary scaffolding at Towthorpe has been replaced with permanent steps to achieve budgetary savings of £11k
- A reduced contribution to the York & North Yorkshire Waste Partnership has been made resulting in a saving of £5k
- A £9k efficiency saving has been achieved through the reduction of an Attendant from Silver Street Toilets
- New litter bin/dog bin emptying rounds have been implemented resulting in a saving of £7.5k
- A reduction in the use of agency staff in Neighbourhood Pride has resulted in £8k of efficiency savings
- A saving of £22k has been achieved through the rationalisation of the cleaning of public conveniences
- A vehicle reduction has been made resulting in a £4k saving
- A review of race day and other parks toilet provision has been undertaken with a £5k saving NB this saving has now been reinstated
- Other completed actions include the introduction of new park opening hours at weekends and working with the Corporate Sustainability Team to establish baseline environmental impact of Environmental Services.

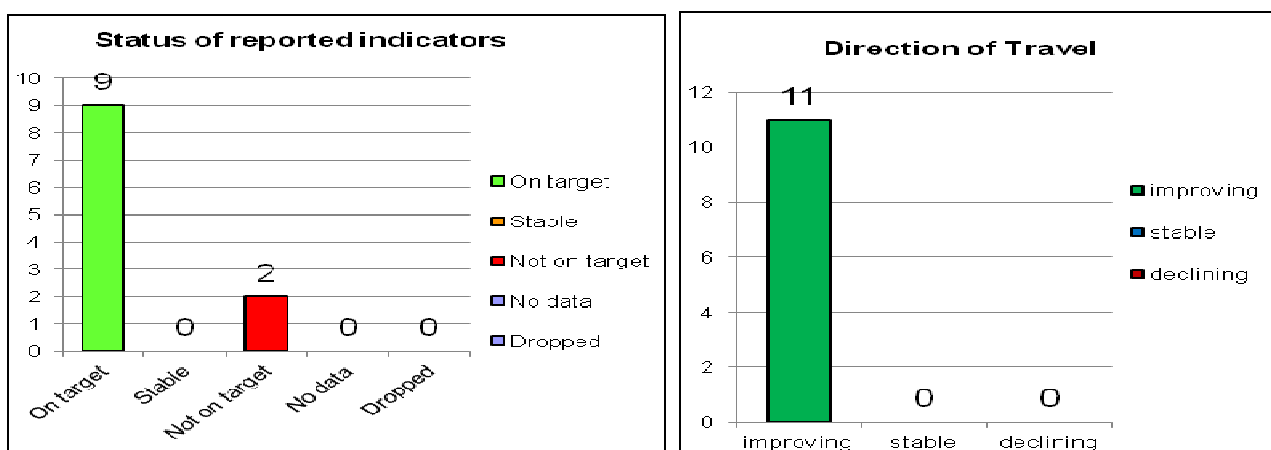
Completed Actions ahead of schedule include:

- A saving of £5k has been achieved by reducing car park maintenance
- A reduction in the number of vehicles used by parking has been made resulting in a £7k saving
- A reduction in legal fees has achieved a saving of £6k
- Glen Gardens and Clarence Gardens have retained Green Flag awards after reassessment

- A benchmarking exercise with APSE (Association for Public Service Excellence) has been undertaken which will feed into cost and performance reviews
- Collection rounds have been restructured and reduced

Performance Indicators

6. Environmental Services have 23 high level performance indicators, 11 of which are reported either monthly or quarterly. Of the 11, nine are on target and two are not. However performance for all 11 indicators is improving.



7. The table below highlights were performance measures are achieving target or on course to achieve the annual target.

PI code and description	Target 11/12	A	M	J	On target
COLI3: Missed bins per 100 000 collections	40	42.88	36.81	29.77	Yes
191 - Residual household waste per household (kg)	560kg	550kg			Yes
192 - Household waste recycled, reused or composted (%)	47.07%	47.15%			Yes
Total tonnes of household waste collected (POG code CAND5)	90,930	89,440			Yes
Total tonnes of municipal waste land filled (POG code CAND6)	53,430	53,690			Yes

PI code and description	Target 11/12	A	M	J	On target
Total tonnes of municipal waste collected (household, commercial, prescribed and inert waste) (POG code CAND7)	103,090	101,640			Yes
Actual tonnes of composted waste (POG code CAND10)	16,750	16,910			Yes
BVPI215a. Average number of days taken to repair a street lighting fault. (SLA = 2 days)	<2 days	0.076 calendar days			Yes
COLI33: Streetlamps not working as planned	<1%	0.0061			Yes

Service Plan Actions to Watch

8. The table below outlines those actions which are in progress together with comments concerning expected completed times.

Action	Comments
Improve participation in kerbside recycling scheme to increase recycling rate by 1% (additional 900 tonnes of recyclates).	A considerable amount of work has been undertaken to take this forward. Analysis shows that in some parts of the city usage of the kerbside recycling service is low, and there are problems such as misuse of shared recycling wheeled bins, contaminated recycling boxes and overflowing residual household waste bins. We are working with residents, other council teams, waste supervisors and the collection crews to reduce these problems. We aim to encourage communities and individuals to take greater responsibility for managing their waste and take full advantage of the kerbside recycling service provided. As part of this work a 'Recycling Hero' scheme will also be launched. The heroes will be local volunteers who will be asked to get involved in promoting recycling and wider environmental issues with the aim of improving their street, community or neighbourhood. A Kerbside Improvement Plan has been developed and is to be implemented August to November 2011 which will result in a £65k saving.

Implement improvements to cleanliness of the market and the waste collected, stored and disposal	Work completed late August.
Replace old vehicles	The completion of this action has been delayed due to procurement issues and now forms part of the Fleet Review.
Set up website for food growing opportunities	This action will be completed in September 2011
Pilot garden tool recycling scheme via Hazel Court (from ad hoc scrutiny report into community food growing)	It is expected that this will be completed by October 2011.
Standardise grass cutting on larger spaces	It is expected that this will be completed by December 2011
Develop energy usage reduction project within depot.	A site survey and collation of energy and carbon footprint data has been undertaken working alongside the corporate sustainability team. A RIEP water asset survey commenced on 22 nd August 2011 to establish potential water savings. A number of site visits and consultation with 'Power Perfector' have been made with a view to installing equipment on site to realise a reduction in the amount of electricity that is bought in. A funding model is in place and final analysis of site power usage is being reviewed to confirm that projected savings will be achieved, this project is being led by the CYC Carbon and Energy manager.
Review methods for street cleaning and litter management	Only half year savings of the expected £75k will be made due to delay in identifying areas of savings, linked to HR processes and merger of services.

Measures to Watch Performance Indicators

9. The table below outlines where performance has not been achieved.

PI code and description	Target 11/12	A	M	J	On target	Comments
VW19: Missed bins put right by end of next working day (POG code VW19)	98%	97.9%	85%	97%	No	This is slightly under target, but is improving
NPI193 - Municipal waste landfilled (%)	51.83%	52.82%			No	Target is 51.83% so slightly off course but an improvement on the 10/11 outturn of 54.47%

Corporate Priorities

10. Reporting on Financial Performance and Service Improvement support the Corporate Theme of 'Effective Organisation'.

Implications

- **Financial** - Considered as part of this report
- **Human Resources (HR)** - N/A
- **Equalities** - N/A
- **Legal** - N/A
- **Crime and Disorder** - N/A
- **Information Technology (IT)** - N/A
- **Property** - N/A
- **Risk Management** - N/A

Conclusion

11. This report has provided an update on Quarter 1 Performance.

Recommendations

12. The Cabinet Member is asked to note the progress that has been made and agree the revised timescales for those actions that are in progress but where the original estimated timescale has slipped for completion.

Contact Details

Author:

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Improvement Manager
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Chief Officer Responsible for the report:

John Goodyear
Assistant Director (Environment)

Report Approved Date 6th September 2011

Appendix 1 - Status Card for Quarter 1 Service Plan Actions

Appendix 2 - Status Card for Quarter 1 Performance Measures

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Action description	Deadline/ 2011/12	Progress Status	Quarter 1
CANS40/74: Review methods for street cleaning and litter management	Apr-11	Estimated completion date slipped	Only part year savings will be achieved, due to delay in identifying areas of savings, linked to HR processes and merger of services.
C12 Raise awareness of recycling service and opportunities to under-performing areas to encourage participation through the Kerbside Improvement Project. C12	May-11	Estimated completion date slipped	Kerbside Improvement Plan completed, to be implemented August to November 2011
Set up new CYC web pages for food growing opportunities (includes Allotments web pages, from Ad Hoc scrutiny report into community food growing)	May-11	Estimated completion date slipped	To be completed by end Sep 11
Standardise grass cutting on larger spaces (cans 21)	May-11	Estimated completion date slipped	It is expected that this work will be completed by December 2011
CAN 119 Improve participation in kerbside recycling scheme to increase recycling rate by 1% (additional 900 tonnes of recyclates). Utilise MOSAIC data for targeting publicity and communications. E6	Jun-11	Estimated completion date slipped	A considerable amount of work has been undertaken to take this forward. Analysis shows that in some parts of the city usage of the kerbside recycling service is low, and there are problems such as misuse of shared recycling wheeled bins, contaminated recycling boxes and overflowing residual household waste bins. We are working with residents, other council teams, waste supervisors and the collection crews to reduce these problems. We aim to encourage communities and individuals to take greater responsibility for managing their waste and take full advantage of the kerbside recycling service provided. As part of this work a 'Recycling Hero' scheme will also be launched. The heroes will be local volunteers who will be asked to get involved in promoting recycling and wider environmental issues with the aim of improving their street, community or neighbourhood. A Kerbside Improvement Plan has been developed and is to be implemented August to November 2011 which will result in a £65k saving.

Action description	Deadline/ 2011/12	Progress Status	Quarter 1
Work with city centre and markets manager on improvements to cleanliness of the market and the waste collected, and how this is collected, stored and disposed of	Jun-11	Estimated completion date slipped	Work completed late August
Replace old vehicles	Jun-11	Estimated completion date slipped	Delayed due to procurement issues , completion date not under my control, is being covered as part of strategic fleet review
Pilot garden tool recycling scheme via hazel Court (from Ad Hoc scrutiny report into community food growing)	Jun-11	Estimated completion date slipped	It is expected that this will be completed in October 2011
NEW PROJECT: Develop energy usage reduction project within depot.	Jun-11	Estimated completion date slipped	<p>A site survey and collation of energy and carbon footprint data has been undertaken working alongside the corporate sustainability team.</p> <p>A RIEP water asset survey commenced on 22nd August 2011 to establish potential water savings.</p> <p>A number of site visits and consultation with 'Power Perfector' have been made with a view to installing equipment on site to realise a reduction in the amount of electricity that is bought in.</p> <p>A funding model is in place and final analysis of site power usage is being reviewed to confirm that projected savings will be achieved, this project is being led by the CYC Carbon and Energy manager.</p> <p>A site survey and collation of energy and carbon footprint data has been undertaken working alongside the corporate sustainability team.</p>

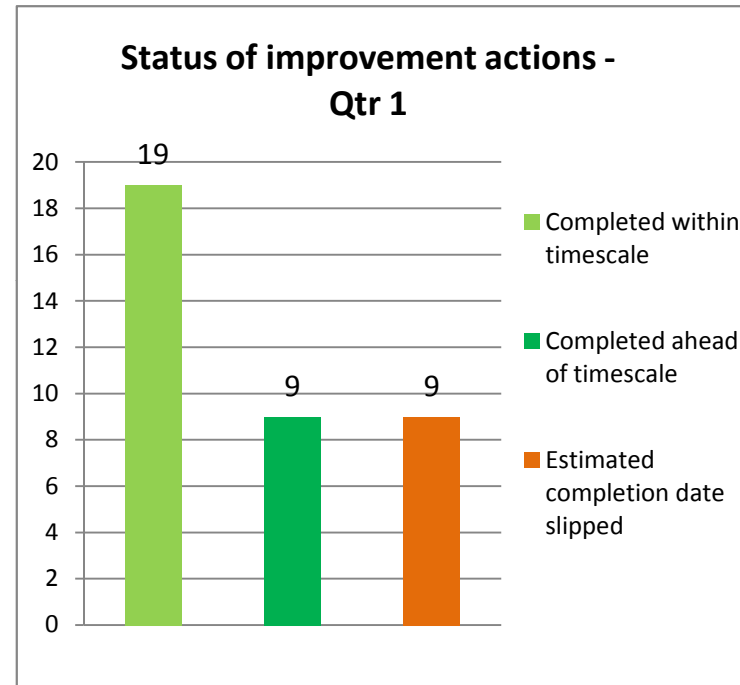
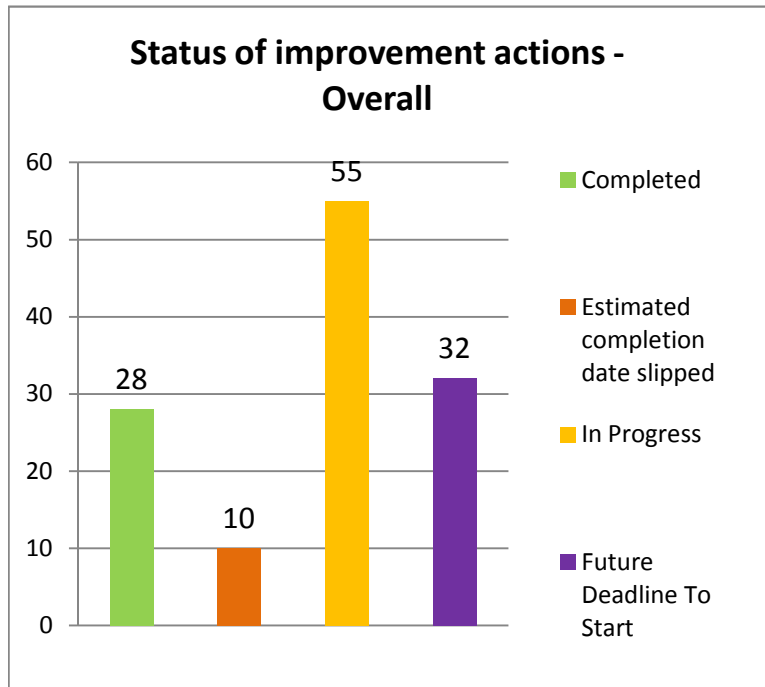
Status of improvement actions - Overall

Completed	28
Estimated completion date slipped	10
In Progress	55
Future Deadline To Start	32
total	125

Status of improvement actions - Qtr 1

Completed within timescale	19
Completed ahead of timescale	9
Estimated completion date slipped	9

total 37



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PI Owner	PI code and description	Target 11/12	Direction of Travel	Frequency	A	M	J	On target	Comments
Bob Crosby	COLI3: Missed bins per 100 000 collections	40	↑	Monthly	42.88	36.81	29.77	Yes	
Bob Crosby	VW19: Missed bins put right by end of next working day (POG code VW19)	98.00%	↑	Monthly	97.91	85%	97%	No	This is slightly under target, but is improving
Bob Crosby	191 - Residual household waste per household (kg)	560kg	↑	Quarterly	550kg			Yes	No longer a national indicator. Performance is reviewed quarterly and an updated outturn estimate is calculated.
Bob Crosby Liz Russell	192 - Household waste recycled, reused or composted (%)	47.07%	↑	Quarterly	47.15%			Yes	No longer a national indicator. Performance is reviewed quarterly and an updated outturn estimate is calculated.
Bob Crosby	NPI193 - Municipal waste landfilled (%)	51.83%	↑	Quarterly	52.82%			No	Performance is reviewed quarterly and an updated outturn estimate is calculated. Target is 51.83% so slightly off course but an improvement on the 10/11 outturn of 54.47%
S Donnerly	Total tonnes of household waste collected (POG code CAND5)	90,930	↑	Quarterly	89440			Yes	
S Donnelly	Total tonnes of municipal waste landfilled (POG code CAND6)	53,430	↑	Quarterly	53690			Yes	
S Donnelly	Total tonnes of municipal waste collected (household, commercial, prescribed and inert waste) (POG code CAND7)	103,090	↑	Quarterly	101640			Yes	
S Donnelly	Actual tonnes of composted waste (POG code CAND10)	16,750	↑	Monthly	16910			Yes	
Martin Horner/Andy Binner	BVPI215a. Average number of days taken to repair a street lighting fault. (SLA = 2 days)	<2 days	↑	Quarterly	0.076 calendar days			Yes	This is currently on course to meet the 2 days or less target set for 11/12. 10/11 outturn was 0.164 days against the standard AMEY contract of 2 days
Martin Horner/Andy Binner	COLI33: Streetlamps not working as planned	<1%	↑	Quarterly	0.0061			Yes	

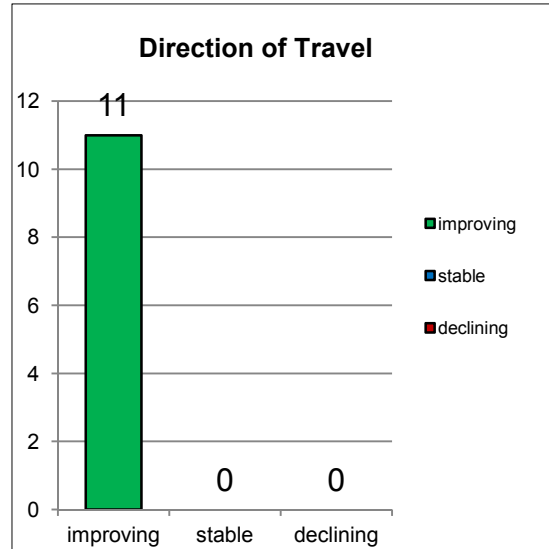
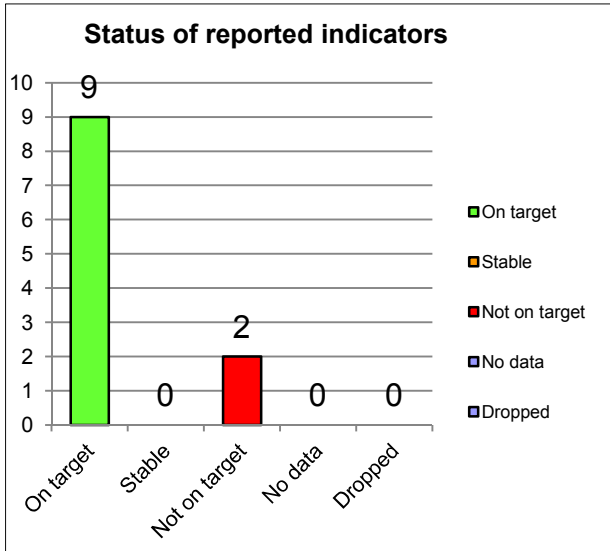
Performance against target

green	On target	9	81.82%
amber	Stable	0	0.00%
red	Not on targ	2	18.18%
grey	No data	0	0.00%
purple	Dropped	0	0.00%
total		11	100.00%

Direction of travel

improving	11	100.0%
stable	0	0.0%
declining	0	0.0%

11





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**Decision Session –
Cabinet Member for Communities and
Neighbourhoods.**

**20th September
2011**

Report of the Assistant Director of Housing & Public Protection

Consultation on cost recovery for regulating Health and Safety

Summary

1. To inform the Cabinet Member of the Health and Safety Executive's consultation about proposals to allow the HSE and local authorities to recover the cost of their regulatory work. To seek approval of a response to the consultation on the proposed changes.

Background

2. Health and Safety interventions are undertaken by the Health and Safety Executive (HSE) and local authorities (LA), depending on the premises and the type of activities carried out. Some examples of interventions include inspections, investigating accidents or responding to complaints.
3. Where businesses are found to have shortfalls in their health and safety arrangements, the HSE/LA work with the business to secure improvements. This can include giving verbal advice, writing letters, serving legal notices or taking formal enforcement action.
4. At the present time, businesses are not charged where an intervention is carried out by the HSE/LA, regardless of the findings. However, a business can incur costs if they are prosecuted and found guilty of an offence.
5. On 21 March 2011 the Minister for Employment, the Rt Hon Chris Grayling MP, announced the Government's policy to reform the health and safety system in Britain in the Department for Work and Pensions statement "Good Health and Safety, Good for Everyone" (<http://www.dwp.gov.uk/policy/health-and-safety/>).

6. Part of this policy is the proposal to allow the HSE to recover the cost of its regulatory work, on the basis that “it is reasonable that duty holders that are found to be in serious material breach in standards [of health and safety]– rather than the taxpayer – should bear the related costs incurred by the regulator in helping them put things right. A cost recovery principle will provide a deterrent to those who would otherwise fail to meet their obligations and provide a level playing field for those who do”.
7. To put in place the legal framework that will allow the HSE to recover costs, there is a proposal to amend the Health and Safety (Fees) Regulations. If introduced, these regulations will place a duty on the HSE to recover their costs.
8. The consultation does not deal with the question of whether the HSE should charge where material breaches of health and safety law are found, as this principle has already been agreed by the Government. Instead, the consultation deals with how cost recovery will be implemented.
9. Under the proposals, costs will be recovered from the start of the intervention where a material breach was identified, through to the point where the material breach has been rectified. ‘Material breach’ is defined in the consultation document as a breach of health and safety law that requires an officer to make a formal intervention (eg. write a letter, serve an improvement notice).
10. Currently, the proposals only consider cost recovery for those activities carried out by the HSE and not the activities of LAs. As part of the consultation, the HSE is asking LAs to indicate whether they would wish to be part of the charging regime. The HSE have indicated that if there was sufficient interest/support, then the proposals could be amended to include cost recovery for LAs.
11. If cost recovery is introduced for LAs, it will be a statutory duty and local authorities will have no discretion on whether to charge or not.

Potential Impact of Cost Recovery

12. It is important to recognise that the HSE and LA have different approaches to the regulation of health and safety.
13. Due to their position in local communities, LA officers will tend to work with businesses to help them understand and comply with legal requirements. They will only resort to more formal means, such as

serving improvement notices, where the business does not make adequate progress or improvements.

14. In contrast, the HSE are more likely to take a formal approach in the first instance.
15. Where the HSE discover a material breach of legislation, they are proposing to charge in the region of £133 per hour. If LAs were required to implement cost recovery, the consultation indicates that LAs would be able to set their own charges.
16. An assessment has been made of inspections recently carried out by the councils health and safety team. This showed that in most cases, material breaches were identified, so the inspections would be chargeable. The average time spent on each inspection was 4 hours. Using the HSEs hourly figure, this means that businesses would receive an average bill of over £500 following an inspection.
17. This charge is a significant amount of money, especially for smaller companies. Charging businesses in this way is also at odds with the council's priorities, in particular the priority to Create Jobs and Grow the Economy. Charging companies for our regulatory work could have a detrimental effect, which in turn could impact on employment opportunities.
18. Advice from the Local Better Regulation Office also re-enforces the importance of regulators supporting prosperity and the Hampton Report (2005) identified that regulators should provide authoritative, accessible advice easily and cheaply. Introducing cost recovery would be at odds with this.

Consultation

19. This is a national consultation that is on the HSE web site.
20. Locally, the Federation of Small Businesses and the York and North Yorkshire Chamber of Commerce have been consulted. Both organisations oppose the proposed charges, especially in these difficult economic times.

Options

21. The two options are:

- a) To respond to the HSE consultation and not support the proposal to make cost recovery for LAs mandatory.
- b) To respond to the HSE consultation and support the proposal to make cost recovery for LAs mandatory.

Analysis

- 22. Adopting option a) will allow the health and safety team to continue in their role of supporting and helping willing businesses to comply with health and safety requirements.
- 23. Adopting option b) would place an additional burden on businesses during hard economic times and could lead to a detrimental impact on employment levels across the city. Although cost recovery would help fund the health and safety service, the impact on the prosperity of the city could be more significant.

Council Priorities

- 24. The work of the health and safety unit impacts on the council priorities to 'Create jobs and grow the economy' and to 'Protect vulnerable people'

Implications

Financial:

- 25. If the recommendations of this report are accepted, then there are no financial implications.
- 26. The HSE is also currently consulting on how health and safety should be regulated in the future. Due to this potential uncertainty, it is not possible to accurately predict what income might be generated if cost recovery was introduced for LAs.

Human Resources (HR):

- 27. There are no human resource implications associated with this report.

Equalities Implications:

28. There are no equalities implications associated with this report.

Legal:

29. There are no legal implications associated with this report.

Crime and Disorder:

30. There are no crime and disorder implications associated with this report.

Information Technology (IT):

31. There are no IT implications associated with this report.

Property:

32. There are no property implications associated with this report.

Other:

33. There are no other implications to consider.

Risk Management

34. There are no significant risks associated with this report.

Recommendations

- a. That the Cabinet Member for Communities and Neighbourhoods approves option 21a).

Reason: To allow the council's health and safety team to continue to provide free support to help local businesses meet health and safety requirements.

Contact Details

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Public Protection)

**Report
Approved**

Date 05/08/201
1

Wards Affected: List wards or tick box to indicate all

All

For further information please contact the author of the report

Background Papers:

Department for Work and Pensions statement “Good Health and Safety, Good for Everyone” (<http://www.dwp.gov.uk/policy/health-and-safety/>)

HSE proposal for extending cost recovery – (<http://www.hse.gov.uk/consult/condocs/cd235.htm>)

Annexes

City of York Council response to consultation questionnaire.

LOCAL AUTHORITY SECTION

Please only answer the questions in this section if you represent a Local Authority.

Q17. Would your Local Authority wish to have a legal duty (non-discretionary) to operate a fee for intervention cost recovery scheme? Y/N/ and please explain the reason for your answer.

Response

No – Because taking this approach would be at complete odds with our current approach of helping and supporting businesses to meet their health and safety obligations.

Q18. Assuming your Local Authority is required to implement cost recovery, are the HSE estimates in the impact assessment an accurate representation of what would happen in your Local Authority with reference to:

- a) the proportion of visits that would result in finding a material breach?
- b) the estimated cost recovery rate?
- c) If the estimates are not correct not, what estimates do you feel HSE should use in these areas when estimating LA costs?

Response

- a) A brief analysis of recent inspections has identified that over 90% of inspections identified material breaches.
- b) Discussions with our finance department indicate that a high cost recovery rate would be expected (95+%)
- c)n/a

Q19. What do you expect to be the costs of establishing a cost recovery scheme?

Please give separate estimates for:

- a) training of inspectors,
- b) internal communication efforts,
- c) process and system testing,
- d) changes in computer systems,
- e) setting up an invoicing system etc,
- f) annual running costs for a cost recovery system.

Response (based on the HSE cost of £133 per hour)

- a) £2394.
- b) £655
- c) £655
- d) £266
- e) £266
- f) unsure

Q20. Do you have systems in place that will allow your Local Authority to accurately record the time spent on regulatory interventions to allow invoice generation?

Response

Yes – time recording already in place.