



## Notice of meeting of

### Executive

<b>To:</b>	Councillors Waller (Chair), Ayre, Steve Galloway, Moore, Morley, Reid and Runciman
<b>Date:</b>	Tuesday, 9 June 2009
<b>Time:</b>	2.00 pm
<b>Venue:</b>	The Guildhall

### AGENDA

#### Notice to Members - Calling In:

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

**10:00 am on Monday 8 June 2009**, if an item is called in *before* a decision is taken, *or*

**4:00 pm on Thursday 11 June 2009**, 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 interest they may have in the business on this agenda.

#### **2. Minutes (Pages 3 - 8)**

To approve and sign the minutes of the meeting of the Executive held on 26 May 2009.

### **3. Public Participation**

At this point in the meeting, members of the public who registered their wish to speak regarding an item on the agenda or an issue within the Executive's remit can do so. The deadline for registering is **5:00 pm on Monday 8 June 2009**.

### **4. Executive Forward Plan (Pages 9 - 14)**

To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

### **5. Minutes of Working Groups (Pages 15 - 32)**

This report presents the minutes of recent meetings of the Young People's Working Group and the Social Inclusion Working Group and asks Members to consider the advice given by the Groups in their capacity as advisory bodies to the Executive.

### **6. Update on the Sustainable Communities Act 2007 (Public Consultation) (Pages 33 - 50)**

This report provides an update on the outcome of the public consultation concerning the Sustainable Communities Act 2007 (SCA) and asks Members to advise whether any of the proposals that have arisen as a result of this consultation should not go forward to the next stage of the consultation process.

### **7. Water Management (including Legionella) (Pages 51 - 60)**

This report provides an update on the importance of managing Legionella and seeks approval for a proposed structure and funding arrangements to enhance the water management framework for the City of York Council.

### **8. Urgent Business**

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

Democracy Officer:

Name: Fiona Young

Contact details:

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

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

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

Contact details are set out above.

This page is intentionally left blank

## About City of York Council Meetings

### Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

**A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088**

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

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

### Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন অর্ধাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোঅবী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 551 550।

*Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin terümesini hazırlatmak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel: (01904) 551 550*

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話 (01904) 551 550。

اگر مناسب وقت سے اطلاع دی جاتی ہے تو ہم معلومات کا ترجمہ مہیا کرنے کی پوری کوشش کریں گے۔ ٹیلی فون (01904) 551 550

*Informacja może być dostępna w tłumaczeniu, jeśli dostaniemy zapotrzebowanie z wystarczającym wyprzedzeniem. Tel: (01904) 551 550*

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

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) 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

### **Who Gets Agenda and Reports for our Meetings?**

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

City of York Council

Committee Minutes

---

MEETING	EXECUTIVE
DATE	26 MAY 2009
PRESENT	COUNCILLORS WALLER (CHAIR), AYRE, MORLEY AND RUNCIMAN
APOLOGIES	COUNCILLORS STEVE GALLOWAY AND REID

---

#### 1. **DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

#### 2. **MINUTES**

RESOLVED: That the minutes of the Executive meeting held on 12 May 2009 be approved and signed by the Chair as a correct record.

#### 3. **PUBLIC PARTICIPATION**

It was reported that there had been two registrations to speak at the meeting under the Council's Public Participation Scheme, both in relation to agenda item 5 (Local Development Framework Core Strategy Preferred Options – Minute 5 refers).

Tom Hughes, of Meadlands Residents' Association, expressed concerns about proposals for development in the draft green belt area to the east of Metcalfe Lane. He urged Members to make a clear and precise decision that would protect green belt land, in accordance with the views of the LDF Working Group and the motion approved at Full Council on 2 April 2009.

Mark Warters, of York Natural Environment Trust, noted that there was a conflict between the intention expressed by Members to protect the green belt and their support for developments in areas such as Osbaldwick, and that the issue of environmental capacity had not been properly addressed in the LDF documents. He urged Members to support Option 2 in the report (approval of the Core Strategy Preferred Options document as amended by the recommendations of the LDF Working Group), in accordance with the motion approved by Full Council on 2 April 2009.

#### 4. **EXECUTIVE FORWARD PLAN**

Members received and noted details of those items that were currently listed on the Forward Plan for the next two Executive meetings.

**5. LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY  
PREFERRED OPTIONS**

Members considered a report which presented details of the draft Local Development Framework (LDF) Core Strategy Preferred Options document, together with the recommendations of the LDF Working Group, and asked Members to approve the draft document for public consultation. The document itself had been made available in the Members' Library and on the Council's website.

The LDF Core Strategy would be the first development plan document produced by the Council under the new planning system, providing a written statement of the City's planning strategy and vision up to 2030. As such, it must deliver the spatial and physical elements of the Sustainable Community Strategy and must conform with national planning guidance and the Regional Spatial Strategy (RSS). The final submission document would be subject to independent examination by the Planning Inspectorate, whose recommendations would be binding. Government guidance indicated that the plans must be 'justified', 'effective' and 'consistent with national policy'.

The contents of the draft document had been considered by the LDF Working Group at their meetings on 6 and 20 April 2009. Details of the Group's recommendations were provided in the minutes of those meetings, attached as Annexes C and D to the report. They included a recommendation for the use of a windfall allowance and increased densities to help meet the overall housing target for York set in the RSS. Paragraphs 23 to 30 of the report outlined Officers' advice in respect of this recommendation. Briefly, the advice was that York did not meet the criteria for the use of windfalls and that the issue of housing figures in the current recession should be addressed by the inclusion of a question to residents in the document, the responses to which would then be used to inform the Council's future approach to the Integrated Regional Strategy (IRS). In the light of this advice, Members were invited to consider the following options:  
**Option 1** – approve the draft document for public consultation, as amended by the recommendations of the LDF Working Group modified to reflect the comments made in paragraphs 23 to 30 of the report.  
**Option 2** - approve the draft document for public consultation, as amended by the recommendations of the LDF Working Group.

During the debate, Members expressed their commitment to the conservation of the draft green belt.

Having noted the advice of the Shadow Executive on this item and the comments made under Public Participation, it was

RESOLVED: (i) That the view of the LDF Working Group in respect of housing demand numbers, which was also endorsed by Council, be supported; namely, that the numbers that central government wishes to see incorporated into the Local



Development Framework are deeply flawed, as they fail to recognise that:

- it will be many years before housing demand will return to pre-recession levels;
- windfall sites will continue to arise in the City and these will go some way to meeting demand over the next 20 years at least;
- the City cannot continue to expand at a rate of an additional 850 homes indefinitely as this will fundamentally change the character and setting of York and the surrounding area;

and in addition the density assumptions, for the last 5 years of the plan, fail to recognise the impact that the needs of smaller and single person family units will have on the demand for different types of property.

(ii) That the threat to develop green belt land, particularly in the areas near Huntington and Osbaldwick, which could be a consequence of central government failing to modify its policies, be noted.

(iii) That, therefore:

- a. The draft LDF Core Strategy Preferred Options document be approved for the purposes of public consultation, subject to being amended to include questions for consultees that address the recommendations of the LDF Working Group, which can be used as evidence to support the challenge to Government on York's housing targets and the current rules that prohibit the inclusion of 'windfalls' in delivering the City's future housing supply.<sup>1</sup>
- b. Authority be delegated to the Director of City Strategy, in consultation with the Executive Member and Shadow Executive Member for City Strategy, to make any incidental changes to the draft document that are necessary as a result of the recommendations of the LDF Working Group, as endorsed by the Executive.<sup>2</sup>
- c. Authority be delegated to the Director of City Strategy, in consultation with the Executive Member and Shadow Executive Member for City Strategy, to approve the full sustainability to accompany the Preferred Options document consultation.<sup>3</sup>
- d. Authority be delegated to the Director of City Strategy, in consultation with the Executive Member and Shadow Executive Member for City

Strategy, to approve a Consultation Strategy and associated documents.<sup>4</sup>

REASON: In order to address the concerns of residents and Members regarding the protection of green belt land in the City and to enable the Local Development Framework Core Strategy to be progressed to the next stage.

Action Required

- |   |    |
|---|----|
| 1. Amend draft document in accordance with these recommendations / comments                       | SS |
| 2. Make any necessary incidental changes in consultation with Executive & Shadow Executive Member | SS |
| 3. Approve full sustainability appraisal in consultation with Executive & Shadow Executive Member | SS |
| 4. Approve consultation strategy in consultation with Executive & Shadow Executive Member         | SS |

**6. THE SIXTH STAFF SURVEY**

Members considered a report which presented the results of the sixth Staff Survey and sought approval for the next steps required to address the priority areas identified through the draft Single Improvement Plan (SIP).

A total of 1,847 questionnaires had been returned, representing a response rate of 37%. Almost three quarters (71%) of staff had indicated that they were satisfied with their current job, a result comparable to the last three surveys. Although satisfaction with achieving something useful was high at 83%, satisfaction with pay levels was much lower (52%), which probably reflected the recent pay and grading review.

The response to the staff survey would be addressed in the workstreams of the refreshed SIP for 2009/10, which included:

- Internal communications
- HR priorities such as PDPs, workforce development and pay & grading
- Health and safety awareness
- Equalities actions and improvements
- Code of conduct awareness

Other activities planned or under way were summarised in paragraph 34 of the report. Arrangements for communicating the survey results and planned actions to staff were set out in paragraphs 35 to 37. The headline results had already been published on the intranet and in staff newsletters. Further communications would be provided through individual directorates and as part of the SIP process.

Members noted with approval the positive results achieved, particularly in view of the timing of the survey, and the plans to undertake further analysis at departmental level and for ORC International to provide benchmarking at no extra cost.

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

RESOLVED: (i) That the results of the staff survey, including the further analysis to be undertaken, be noted.

(ii) That the 'next steps' outlined in paragraphs 33 and 34 of the report be approved.<sup>1</sup>

(iii) That it be requested that the Single Improvement Plan (SIP) report to the Executive include further actions to be undertaken to address the results of the survey.<sup>2</sup>

REASON: To ensure an appropriate response to the results of the survey, including benchmarking and a monitored action plan.

Action Required

- |  |    |
|--|----|
| 1. Make arrangements to implement the next steps (report paragraphs 33 and 34) | SC |
| 2. Ensure that the SIP includes actions to address the survey results          | SC |

**7. SINGLE IMPROVEMENT PLAN REFRESH 2009/10**

Members considered a report which set out proposals for the work streams within the refreshed version of the Council's Single Improvement Plan (SIP) for 2009/10 and explained the basis for their inclusion in the SIP.

The SIP was a core element of the eighth theme of the Corporate Strategy, 'Effective Organisation', and was intended to cover continuous improvement of the Council's internal processes and governance frameworks. The original SIP had been reported to Executive on 30 June 2008. Following a review of corporate governance earlier in the year and the recent staff survey, a number of further areas had been identified for potential inclusion in the refreshed SIP.

A total of nine workstreams were now proposed for inclusion in the SIP, namely: HR, Equalities, Health & Safety, Member Training, Project Management, Code of Conduct Awareness, Partnership Governance, Internal Communications and Risk Management. Details of the proposed coverage of these areas, and the lead Officers in respect of each area, were set out in paragraph 12 of the report. Performance would be monitored via Corporate Management Team and the Executive on a quarterly basis.

Members thanked Officers for the work undertaken on this major cultural change and suggested that 'Improvement Plan' might be a less confusing title for the SIP.

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

RESOLVED: That the draft Single Improvement Plan, and the areas proposed for inclusion, be approved. <sup>1</sup>

REASON: To ensure the effective management of key actions to be taken to support on-going development and improvement work at the Council critical to the achievement of the Effective Organisation corporate priority.

Action Required

1. Make arrangements to finalise and implement the SIP SA

**8. DATA QUALITY POLICY**

Members considered a report which presented a draft corporate Data Quality Policy for discussion and approval.

The draft Policy, attached as Annex A to the report, had been produced as part of a plan of improvement to address the recommendations of the Audit Commission in respect of the Council's overall management arrangements for ensuring data quality. Details of these recommendations were provided in paragraph 5 of the report. The draft Policy had been endorsed by the Audit and Governance Committee at their meeting on 13 January 2009.

Members were invited to accept the draft Policy as presented, or to suggest amendments.

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

RESOLVED: (i) That the draft Data Quality Policy be approved. <sup>1</sup>

REASON: To raise the profile of data quality, develop a high level commitment to improving data quality and ensure a consistent approach.

(ii) That progress in achieving the requirements of the Policy be reported annually to the Audit and Governance Committee and the Executive. <sup>2</sup>

REASON: To strengthen data quality review and reporting arrangements and in particular the reporting of outcomes to senior Officers and Members.

Action Required

1. Make arrangements to finalise and implement the Data Policy SA

2. Make arrangements to schedule annual reports on the Executive Forward Plan and include annual reports on the Audit & Governance Committee agenda SA

A Waller, Chair

[The meeting started at 2.00 pm and finished at 2.40 pm].

EXECUTIVE FORWARD PLAN

<b>Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 23 June 2009</b>		
<b>Title &amp; Description</b>	<b>Author</b>	<b>Portfolio Holder</b>
<p><b>Year End Capital Report</b></p> <p><i>Purpose of Report: To report the final financial position on the Council's capital programme for the financial year ending 2008/09.</i></p> <p><i>Members are asked to: Note the overall performance and authorise relevant financial adjustments.</i></p>	Louise Branford-White	Executive Member for Corporate Services
<p><b>Year End Service &amp; Financial Performance Report</b></p> <p><i>Purpose of Report: Provision of the Council's financial and performance position at year end.</i></p> <p><i>Members are asked to: agree proposed amendments to plans, mitigation for identified issues and financial adjustments (such as allocations from contingency and virements) which are reserved to the Executive.</i></p>	Peter Lowe & Janet Lornie	Executive Member for Corporate Services
<p><b>Community Stadium – Outline Business Case</b></p> <p><i>Purpose of report: To provide an outline business case for the Community Stadium Project. To identify the need / demand for the stadium. To identify how the community element of the project could be delivered. To identify potential benefits / outputs and risks. To set out timescales and costs for the project to be taken forward.</i></p>	Tim Atkins	Executive Member for City Strategy.
<p><b>Improved Direct Communications with Residents</b></p> <p><i>Purpose of Report: This report asks for Members' approval to proceed with the production of a new bi-monthly (six issues a year) council publication designed to improve direct communications with residents.</i></p> <p><i>Members are asked to: Approve one of three options outlined in the report.</i></p>	Matt Beer	Executive Leader

<p><b>Libraries RFID Procurement</b></p> <p><i>Purpose of report: The library service is out to tender out for an RFID (self-issue) system. Tenders are due to be evaluated during the first two weeks of June. As we will be taking both quality and cost into account in the evaluation, there is the possibility that a supplier will be chosen which is not the lowest cost option. In these circumstances an Executive decision would be required. Should the chosen supplier be the lowest cost option, then this report will not be required. The outcome will be a contract which offers the best solution to our requirements for technology which will provide high quality customer services at the new York Library Explore Centre due to open in December.</i></p> <p><i>Members are asked to: Agree to contract with the chosen RFID supplier, if this is not the lowest cost option.</i></p>	<p>Helen Whitehead</p>	<p>Executive Member for Learning, Culture &amp; Children's Services</p>
<p><b>Equal Pay Update</b></p> <p><i>Purpose of report: The report provides a summary of the current position in City of York Council's equal pay litigation.</i></p>	<p>Angela Wilkinson</p>	<p>Executive Member for Corporate Services</p>
<p><b>The Efficiency Review</b></p> <p><i>Purpose of report: To report back on the outcomes of the 12 week Efficiency review undertaken by the CYC efficiency Partner, Northgate Kendric Ash. The report will set out detailed findings of the review and proposals for establishing an efficiency programme to deliver £15m savings over three years.</i></p> <p><i>Members are asked to: Approve the proposals contained in the report</i></p>	<p>Tracey Carter</p>	<p>Executive Member for Corporate Services</p>
<p><b>Recent Initiatives in Workforce Planning &amp; Development</b></p> <p>Purpose of Report: To inform Members about a new Leadership &amp; Management Development Framework, about action on the Skills Pledge and about an approach to promoting apprenticeships throughout CYC.</p> <p>Members are asked to: Note the implications and timescales.</p>	<p>Angela Wilkinson</p>	<p>Executive Leader</p>

<p><b>Budget Process and Resource Alignments Arrangement for 2010/11</b></p> <p>Purpose of the report: This report sets out the proposed arrangements to support the preparation of the 2010/11 budget and the alignment of resources based on the Council's strategic and corporate priorities.</p> <p>Members are asked to: Agree the proposed budget planning in the report.</p>	Keith Best	Executive Leader
---	------------	------------------

<b>Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 7 July 2009</b>		
<b>Title &amp; Description</b>	<b>Author</b>	<b>Portfolio Holder</b>
<p><b>Customer Strategy</b></p> <p><i>Purpose of Report: To present a revised Customer Strategy and Delivery Plan following previous consultation with the Executive in October 2008 and extensive internal and public consultation.</i></p> <p><i>Members are asked to: Approve the final strategy, new Customer First Standards and Customer Care Behaviours, agree the proposed governance arrangements and delivery plan and approve the draft customer leaflet.</i></p>	Jane Collingwood	Executive Member for Corporate Services
<p><b>The Annual Risk Management Report</b></p> <p><i>Purpose of report: To inform Members of identified strategic risks and actions taken to mitigate them. It is a regulatory requirement to report these to Members.</i></p> <p><i>Members are asked to: Note the actions taken to mitigate known risks.</i></p>	Claire Rogers	Executive Member for Corporate Services

<b>Table 3: Items slipped on the Forward Plan with the agreement of the Group Leaders</b>					
<b>Title &amp; Description</b>	<b>Author</b>	<b>Portfolio Holder</b>	<b>Original Date</b>	<b>Revised Date</b>	<b>Reason for Slippage</b>
<p><b>The Efficiency Review</b></p> <p><i>Purpose of report: To report back on the outcomes of the 12 week Efficiency review undertaken by the CYC efficiency Partner, Northgate Kendric Ash. The report will set out detailed findings of the review and proposals for establishing an efficiency programme to deliver £15m savings over three years.</i></p> <p><i>Members are asked to: Approve the proposals contained in the report.</i></p>	Tracey Carter	Executive Member for Corporate Services	9 June 2009	23 June 2009	Delay to completion of report
<p><b>Customer Strategy</b></p> <p><i>Purpose of Report: To present a revised Customer Strategy and Delivery Plan following previous consultation with the Executive in October 2008 and extensive internal and public consultation.</i></p> <p><i>Members are asked to:</i></p>	Jane Collingwood	Executive Member for Corporate Services	23 June 2009	7 July 2009	To reflect the outcomes of the Efficiency Review



<p><i>Approve the final strategy, new Customer First Standards and Customer Care Behaviours, agree the proposed governance arrangements and delivery plan and approve the draft customer leaflet.</i></p>					
<p><b>The Annual Risk Management Report</b></p> <p><i>Purpose of report: To inform Members of identified strategic risks and actions taken to mitigate them. It is a regulatory requirement to report these to Members.</i></p> <p><i>Members are asked to: Note the actions taken to mitigate known risks.</i></p>	<p>Claire Rogers</p>	<p>Executive Member for Corporate Services</p>	<p>23 June 2009</p>	<p>7 July 2009</p>	<p>To help achieve a better balance of items on the Executive Forward Plan</p>

This page is intentionally left blank



---

**Executive**

9 June 2009

**Report of the Head of Civic, Democratic and Legal Services****Minutes of Working Groups****Summary**

1. This report presents the minutes of recent meetings of the Young People's Working Group and the Social Inclusion Working Group and asks Members to consider the advice given by the Groups in their capacity as advisory bodies to the Executive.

**Background**

2. Under the Council's Constitution, the role of Working Groups is to advise the Executive on issues within their particular remits. To ensure that the Executive is able to consider the advice of the Working Groups, it has been agreed that minutes of the Groups' meetings will be brought to the Executive on a regular basis.
3. Members have requested that minutes of Working Groups requiring Executive endorsement be submitted as soon as they become available. In accordance with that request, and the requirements of the Constitution, minutes of the following meetings are presented with this report:
  - Young People's Working Group – draft minutes of the meeting on 22 April 2009 (Annex A)
  - Social Inclusion Working Group – draft minutes of the meeting on 13 May 2009 (Annex B)

Minutes of the meetings of the Local Development Framework Working Group held on 3 March, 9 March, 6 April and 20 April 2009 have been reported separately to the Executive as part of the report on the City of York Local Development Framework (LDF) – Draft Core Strategy Preferred Options considered at the Executive meeting on 26 May 2009.

**Consultation**

4. No consultation has taken place on the attached minutes, which have been referred directly from the Working Groups. It is assumed that

any relevant consultation on the items considered by the Groups was carried out in advance of their meetings.

### **Options**

5. Options open to the Executive are either to accept or to reject any advice that may be offered by the Working Groups, and / or to comment on the advice.

### **Analysis**

6. Members are asked to consider the following recommendation to the Executive contained in the attached draft minutes at Annex A (Minute 25 refers):

*“That the Members of the Children and Young People’s Working Group ask the Executive to recommend to Council that the membership of the Group be increased to 7 in order for the Children and Young People’s Champion to have a formal place on the Group.”*

7. It should be noted that the Head of Legal Services has recently advised that the Executive has the power to make appointments to its own Working Groups. Therefore if Members so wish, they may approve the above recommended appointment without reference to Full Council.

### **Corporate Priorities**

8. The aims in referring these minutes accord with the Council’s corporate values to provide strong leadership in terms of advising these bodies on their direction and any recommendations they wish to make.

### **Implications**

9. There are no known implications in relation to the following in terms of dealing with the specific matter before Members, namely to consider the minutes and determine their response to the advice offered by the Board:
  - **Financial**
  - **Human Resources (HR)**
  - **Equalities**
  - **Legal**
  - **Crime and Disorder**
  - **Property**
  - **Other**

## Risk Management

10. In compliance with the Council's risk management strategy, there are no risks associated with the recommendations of this report.

## Recommendations

11. Members are asked to note the minutes attached at Annexes A and B and to decide whether they wish to:
- a. Approve any specific recommendations made by the Working Groups, as set out in paragraph 6 above, and / or;
  - b. Respond to any of the advice offered by the Working Groups.

## Reason:

To fulfil the requirements of the Council's Constitution in relation to the role of Working Groups.

## Contact details:

### Author:

Fiona Young  
Principal Democracy Officer  
01904 551027  
email:  
fiona.young@york.gov.uk

### Chief Officer Responsible for the report:

Quentin Baker  
Head of Civic, Democratic and Legal Services

### Report Approved

*(approved by Dawn Steel,  
Democratic Services  
Manager, in the absence  
of Quentin Baker)*

√

**Date** 28/5/09

**Specialist Implications Officer(s)** None

**Wards Affected:**

All



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

## Annexes

Annex A – Draft minutes of the meeting of the Young People's Working Group held on 22 April 2009.

Annex B – Draft minutes of the meeting of the Social Inclusion Working Group held on 13 May 2009.

## Background Papers

Agenda and associated reports for the above meetings (available on the Council's website).

This page is intentionally left blank

City of York Council

Committee Minutes

---

MEETING	YOUNG PEOPLE'S WORKING GROUP
DATE	22 APRIL 2009
PRESENT	COUNCILLORS LOOKER (CHAIR), AYRE, FRASER, RUNCIMAN AND ASPDEN (SUBSTITUTE)
APOLOGIES	COUNCILLORS FUNNELL AND VASSIE

---

## 20. DECLARATIONS OF INTEREST

At this point in the meeting The Chair invited Members to declare any personal or prejudicial interests they might have in the business on the agenda.

Councillor Aspden declared a personal non-prejudicial interest as he is a teacher for North Yorkshire Council and also as a member of the National Union of Teachers (NUT).

Councillor Fraser declared a general personal interest in items on the agenda as he is an affiliated member of the Club and Institute Union and as a City of York Council nominated participating observer on York CVS Board of Trustees.

## 21. MINUTES

RESOLVED: That the minutes of the last meeting of the Working Group, held on 15 January 2009, be approved and signed as a correct record by the Chair.

## 22. PUBLIC PARTICIPATION

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

Councillor Alexander as Children and Young People's Champion was in attendance and has a standing invitation to attend all meetings of the Working Group.

## 23. UPDATE ON INVOLVEMENT AND PARTICIPATION WORK IN YORK

Members considered a report which sets out the main developments in 2008/9 towards promoting participation and involvement of children and young people in shaping services in the city.

### Children and Young People's Plan

Officers updated that the Children and Young People's Plan had now been produced and that some of the commitments in it reflected the comments

made by YPWG especially in relation to York establishing an influential Youth Council and participating in the Youth Parliament.

### Commissioning

Officers advised that commissioning is a broader term that incorporates many forms of procurement. A commissioning framework is being developed for services for children and young people in the city and it is the intention that by 2018 a greater percentage of the budget will be being directed by young people. Officers advised that they will continue to work on the proposals for achieving this in the months ahead.

### Schools Council Conferences – towards a Youth Council for York.

Officers advised that funding is the main issue preventing a Youth Council being formed and York joining the Youth Parliament. Officers advised that there may be some funding becoming available through the Government's "Taking Part" initiative and which would involve working alongside Neighbourhood Services to promote greater participation in local decision making. The final confirmation for the go-ahead of this project is expected soon.

### Volunteering

Officers advised Members that the 'Involved' project had been a success and a number of volunteering opportunities for young people had been created because of it.

### Communications with Young People.

Officers updated that Yor-Ok website had been well received with over 22,000 visits and was proving to be an important method for communicating with young people. Members and Officers discussed the opportunities social networking sites create for communicating with young people.

RESOLVED: That the Young People's Working Group note the developments outlined in the report.

REASON: To ensure Members are aware of young people's views.

## **24. UPDATE ON "MYPLACE"**

Members received a report which updated them on the preparations for a "myplace" bid to establish enhanced facilities for young people close to the city centre.

Officers updated that Phil Bixby, the community architect appointed to work on the scheme, had produced a set of drawings that demonstrate that it is



possible to have all the elements needed to satisfy the requirements of “myplace” whilst also meeting the aspirations of the Railway Institute. He had also commissioned an initial set of costings which confirmed that the scheme would cost around £8 or 9 million which is considerably in excess of the maximum sum allowable under “myplace” and the shortfall would need to be made up through other means which is the biggest stumbling block to successfully bringing the scheme to fruition. Officers confirmed that they are continuing with talks with Network Rail as the landowners who remain interested in the scheme without being formally committed to it.

Officers advised that they had been pursuing options for a less ambitious “plan B”. The aim would be to create or refurbish a city centre property that would include some of the aspects that young people have indicated they would like to see. Mr. Bixby had also been working on this with a group of young people to see if it would be possible to set up an interim youth café. He has named this element “myplace now”.

Members commented that they would like the scheme to develop in some form even if the ambitious “myplace” scheme does not come to fruition.

RESOLVED: That Members of the Young People’s Working Group note the update report.

REASON: To ensure that additional investment in youth facilities in the city is in line with our corporate priorities, and the views of residents and young people themselves.

## **25. FUTURE OF THE WORKING GROUP**

Members had an informal debate about the future role of the YPWG in light of the wider changes to EMAPs and Scrutiny Committees.

Members felt that overall the YPWG creates an opportunity for them to have informal discussions on issues affecting children and young people in general and a place in which ideas can be discussed. Members would like to see the group continue in this way.

Members felt that the Children and Young People’s Champion should be a formal member of the Young Peoples Working Group, as currently he attends meetings of the Group on an informal basis. This would increase membership of the Group to 7.

The following points were raised and discussed:

- That in the future, Co-Optees may be invited onto the Working Group.
- Officers would prefer to submit shorter reports which prompt discussion between Members, rather than produce lengthy reports.
- More Young People to be invited to the meetings of the Working Group.

- Democratic Services to continue to be involved, particularly for the purpose of recording ideas and discussions in the minutes.

RESOLVED: That the Members of the Children and Young People's Working Group ask the Executive to recommend to Council that the membership of the Group be increased to 7 in order for the Children and Young People's Champion to have a formal place on the Group.

REASON: In order to formalise the position of the Young Peoples Champion on the Working Group.

Councillor Looker, Chair

[The meeting started at 5.00 pm and finished at 6.40 pm].

## City of York Council

## Committee Minutes

---

MEETING	SOCIAL INCLUSION WORKING GROUP
DATE	13 MAY 2009
PRESENT	COUNCILLORS ASPDEN (IN THE CHAIR ITEMS 50-54), BROOKS, GUNNELL, LOOKER (VICE-CHAIR IN THE CHAIR ITEMS 45-49)
NON-VOTING CO-OPTED MEMBERS	DAVID BROWN – YORK ACCESS GROUP SARAH FENNELL – LGBT FORUM CORRY HEWITT – YORK INTERFAITH LARRY HOTCHKISS – YORK OLDER PEOPLE’S ASSEMBLY SUE LISTER – YORK OLDER PEOPLE’S ASSEMBLY DARYOUSH MAZLOUM – YORK RACIAL EQUALITY NETWORK RITA SANDERSON – YORK RACIAL EQUALITY NETWORK PAUL WORDSWORTH – CHURCHES TOGETHER IN YORK
EXPERT WITNESSES	NICOLA BEDFORD – HIGHER YORK STEVE ROUSE – YOUTH SERVICE EQUALITIES TEAM LEADER MAUREEN RYAN – VALUING PEOPLE PARTNERSHIP GEORGE WRIGHT – HUMANIST
APOLOGIES	COUNCILLOR VASSIE JOHN BETTRIDGE – MENTAL HEALTH FORUM PETER BLACKBURN – LGBT FORUM BECCA COOPER – YORK PEOPLE FIRST RALPH EDWARDS – LEARNING DISABILITIES FIONA WALKER – VALUING PEOPLE PARTNERSHIP

---

**45. DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

No interests were declared.

**46. PUBLIC PARTICIPATION**

There were no registrations to speak under the Council's Public Participation Scheme.

**47. MINUTES AND MATTERS ARISING**

RESOLVED: (i) That the minutes of the meeting of the Group, held on 11 March 2009, be approved and signed by the Chair as a correct record.

A letter had been received from First York confirming that they would be willing to attend a future SIWG meeting.

It was noted that the representatives of National Express had not reported back to the Group on the suggested improvements as to how the company could better improve its services to people with a hearing impairment. It was also unclear as to whether the City of York Council Private Sector Housing Strategy Equality Impact Assessment had been amended to address issues in respect of racial tension.

RESOLVED: (ii) That confirmation be sought from National Express and the City of York Housing Department that the suggestions put forward by SIWG representatives had been actioned<sup>1</sup>.

(iii) That arrangements be made for the minutes of SIWG meetings to include a mechanism to track recommendations made at meetings to ensure that they were actioned.

Action Required

1. Confirmation to be sought that National Express and Housing Department have actioned suggestions put forward by SIWG GR

**48. CHAIR'S REPORT**

Consideration was given to the "Help us to Get it Right" day final report.

The following amendments to the Equalities Impact Assessments 2009-09 were suggested:

- The use of the word "seek" should be avoided and replaced with "will" to demonstrate the Council's commitment to equality (page 42).
- As well as assessing Councillors' individual needs in terms of disability upon induction, action should be taken to ensure that members of the community were aware of the support that they would receive to meet their needs if they decided to stand for election to the Council (page 45). The role of councillor should be better promoted to encourage more members of the community to stand.
- All communication from the Council should include reference as to how the documentation could be made available in a format suitable for the visually impaired or in languages other than English (page 51).
- The Procurement Strategy should also encompass ethical and moral values (page 53).

Clarification was sought as to whether the Children and Young People Plan encompassed non-traditional families and equality strands. Steve Rouse gave examples of some of the ways in which the Plan addressed these issues and offered to report back more fully at a future meeting.

- RESOLVED:
- (i) That the report be noted and officers be encouraged to undertake similar events in 2009/10.
  - (ii) That the suggested amendments be incorporated into the relevant Equalities Impact Assessments<sup>1</sup>.

- (iii) That, by 2010, officers be requested to report progress on the actions identified as a result of the Equality Impact Assessments outlined in Annex 1<sup>2</sup>.
- (iv) That, at a future meeting, more detailed consideration be given to ways in which the Children and Young People Plan met the needs of the equalities strands<sup>3</sup>.

Action Required

- |  |    |
|--|----|
| 1. Amendments to be incorporated into EIAs | GR |
| 2. Include in SIWG work plan               | GR |
| 3. Include in SIWG work plan               | GR |

**49. KEY ISSUES IN THE COMMUNITY**

Community representatives and expert witnesses were given the opportunity to raise issues about equality in Council services as well as reporting on recent activities.

(i) Community Cohesion

The Group's attention was drawn to the effect that the distribution of European Parliament campaign leaflets by a political party was having on some members of the community. A request was made for there to be a named contact at the City of York Council to whom incidents could be reported<sup>1</sup>.

(ii) York and District LGBT Forum

A written report was circulated on LGBT issues and which detailed forthcoming events.

It was suggested that the Council needed to be more aware of trans equality issues in policy making. Training was available from Gendershift and other organisations.

(iii) Online Fraud

The Group's attention was drawn to the number of online financial scams. Elderly and vulnerable members of the

community were particularly at risk from this type of fraud. It was noted that [www.getsafeonline.org](http://www.getsafeonline.org) was a source of advice on how to deal with this issue.

(iv) Higher York Students' Forum

Details were given of a project that was being carried out by the Higher York Students' Forum to find out what it was like to be a student in York and whether they felt part of the community. The project was in the form of a questionnaire and focus group. A report on the findings of the project would be presented to SIWG at a future meeting<sup>2</sup>.

(v) 50+ Festival

The SIWG Diversity Day project would take place as part of the 50+ Festival. A "Bridging the Generation Gap" event would be held at the Friends Meeting House during the 50+ Festival week – the date and venue would be confirmed soon. It was hoped that all of the groups involved in the SIWG would organise a display or activity during the day.

The Group were also encouraged to participate in the following activities:

- A food and drink festival to be held on Tuesday 22 September 2009.
- The "Fit as a Fiddle" activities arranged by Leisure Services and Age Concern.

As part of the 50+ Festival it was proposed to encourage care homes to open their doors to the community to demonstrate the type of activities and provision that they arranged for their residents. Members of the Group suggested that there was also a need to involve members of the community who lived independently and who may sometimes feel isolated.

(vi) Access Group Directory

Details were given of the guide that was being produced by the Access Group and which would incorporate useful contact details.

(vii) York Humanists

The Group was informed that the York Humanists would wish to see all members of the community having the same impact on policy and decision-making regardless of their beliefs or views.

(viii) Valuing People Partnership

Details were given of the “Valuing People Now” strategy. It was suggested that this could form the basis of a future presentation to SIWG. Consideration was also being given to complaints processes.

The Group’s attention was drawn to a “Hate Crime Conference” that was being held in Harrogate on 13 July 2009.

(ix) City of Faith

A “City of Faith” survey was currently being carried out and was available on the council website [www.york.gov.uk](http://www.york.gov.uk) The results were due to be published in October.

Action Required

- |  |    |
|--|----|
| 1. Notify groups of the appropriate contact number to report incidents | GR |
| 2. Include in SIWG work plan   | GR |

**50. GENDER ISSUES AND ENGAGEMENT IN THE SOCIAL INCLUSION WORKING GROUP (SIWG)**

A report was received detailing findings of the project carried out to explore key gender equality issues in the city, including trans issues. The report also considered how the Social Inclusion Working Group could engage with groups that were concerned with and promoted gender issues. Interviews had been carried out with people and groups who were seen as leading gender issues in the city.

Consideration was given to the project summary (Annex 1 of the report).



Discussion took place regarding issues in respect of domestic violence and the work of the Independent Domestic Abuse Services (IDAS). The organisation has previously been known as Women's Aid but now offered services to both men and women, although the majority of their clients were female. It was recommended that IDAS be invited to become involved in SIWG. The Group suggested that consideration could also be given to inviting a representative from the Centre for Women's Studies to serve on SIWG.

A further recommendation in the report was that the City of York Council should take the lead in promoting child and women-friendly policies. Members of the Group suggested that it would be more appropriate to refer to these as "family friendly" or "child friendly" policies rather than "women-friendly" policies to acknowledge that women were not the only carers of children. It was suggested that the Inclusive York Forum should be asked for their views on the report and the promotion of family friendly policies and that further consideration should be given to this matter at the SIWG Development Day.

RESOLVED: That, at the SIWG Development Day, further consideration be given to the membership of SIWG, including the recommendation that IDAS be invited to be become involved in the work of the Group<sup>1</sup>.

Action Required

1. Include in programme for SIWG Development Day GR

**51. COLLECTING INFORMATION ABOUT THE NEEDS AND VIEWS OF PEOPLE FROM THE EQUALITY STRANDS**

A report was received explaining why, when and how the Council proposed to collect information about the gender, race, disability, sexual orientation, age and religion and belief of communities and individuals the Council serves and employs. The views of SIWG members were sought about the proposed questions.

Some concerns were expressed regarding the length of the questionnaire and its format. It was noted that some of the requested data was not statutory but was necessary to meet the

requirements of audit and inspection, the Audit Commission in particular. Members of the Group who already collected this type of data explained how useful the information was proving to be in assessing services and improving accessibility to provision.

- RESOLVED:
- (i) That the report be noted.
  - (ii) That SIWG members notify the Equality and Inclusion Manager of any comments on the proposals by 5.00 pm on 30 June 2009.

## 52. COUNCIL EQUALITY STRATEGY AND SCHEMES 2009/12

Information was circulated outlining the plans and actions that the Council proposed to undertake in the period July 2009 to July 2012, to ensure that it was a fair and inclusive service provider and employer. Feedback from SIWG would help shape the Council Equality Strategy and Schemes 2009/12.

- RESOLVED: That, at the SIWG Development Day, further consideration be given to the Council's plans and actions for the period July 2009 to July 2012<sup>1</sup>.

### Action Required

1. Include in programme for SIWG Development Day GR

## 53. DATES OF FUTURE MEETINGS

Members noted the dates of forthcoming meetings as follows:

- Thursday 2 July 2009
- Thursday 24 September 2009
- Wednesday 2 December 2009
- Thursday 28 January 2009
- Wednesday 17 February 2010
- Tuesday 20 April 2010

Meetings would be held at the Priory Street Centre and would start at 6.30 pm.

Members were reminded that the SIWG Development Day would be held at York St John's on Wednesday 20 May 2009 from 10.00 am to 4.00 pm.

**54. CHAIR AND VICE-CHAIR**

The Group were informed that Councillor Ayre and Councillor Crisp would be taking over from Councillor Vassie and Councillor Looker as Chair and Vice-Chair respectively, subject to full Council approval expected the following week.

Tribute was paid to the contribution that Councillor Vassie and Councillor Looker had made to the Social Inclusion Working Group and thanks were expressed for the work that they had carried out.

Chair

[The meeting started at 6.30 pm and finished at 9.15 pm].

This page is intentionally left blank



---

**Executive**

**9<sup>th</sup> June 2009**

## **Report of the Director of Neighbourhood Services**

### **Update on the Sustainable Communities Act 2007 (public consultation)**

#### **Purpose of report**

1. The purpose of this report is to:
  - Update the Executive on the outcome of the public consultation on the Sustainable Communities Act 2007 (SCA), which was undertaken through both the April/May round of ward committees, and the councils web site.
  - Provide information on progress against the previously agreed Phase Two<sup>1</sup> actions and detail the next stage of the consultation process.
  - Request members to note the responses to the consultation<sup>2</sup> at **Annex One**, and to advise officers which proposals contained within the Annex should go forward to the next stage of the consultation process.

#### **Background**

2. On 27th November 2008, a Council motion on the SCA was submitted by Cllr Aspden and Cllr Hyman, and subsequently amended by Cllr D'Agorne.<sup>3</sup> The motion was passed and it stated:

*"...Council welcomes the Sustainable Communities Act as a means of gaining new assistance from government, determining that assistance,*

---

<sup>1</sup> Contained with the Executive Report *Sustainable Communities Act 2007* 14<sup>th</sup> April 2009 Annex 3

<sup>2</sup> The responses detailed at Annex One are those that have been screened by the Project Team, CMT and Directors

<sup>3</sup> The motion can be found on the CYC intranet  
<http://sql003.york.gov.uk/mgActionDisplay.aspx?ID=27847>

*arguing for transfers of public monies from central to local control and involving York residents in democracy.*

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

*Council will encourage parish councils, ward committees and other community organisations in York to hold meetings within the next seven months at which 'citizen panels' can put forward appropriate proposals, as envisaged under the Act."*

3. A report was presented to the Executive on the 14<sup>th</sup> April 2009, which described the provisions of the *Sustainable Communities Act 2007*, and which contained proposals on the process to consult the public, and to eventually determine which suggestions under the *Sustainable Communities Act 2007* would go forward to the Local Government Association,

## **Consultation**

4. To comply with the Council motion, and the process agreed by members at the Executive meeting on 14<sup>th</sup> April 2009, officers of the Neighbourhood Management Unit (NMU), were asked to lead the city-wide consultation with the public, ward committees and other organisations. The NMU did this in a number of ways and using a number of different methods.
5. All the April/May editions of Your Ward delivered across the city provided information about the consultation process. In addition, all ward committees either tabled the item on the main agenda or provided for the item to be discussed at the ward Committee surgery, held immediately in advance of the meeting. Senior officers from Neighbourhood Services presented the topic at the ward committees and were available to answer questions both at the main meeting or during ward surgeries. To support the ward committee process, two city-wide press releases were issued, with The Press printing an article on the 29th April 2009. Letters were also sent on 3<sup>rd</sup> April to 150 voluntary organisations and to all Parish Councils across the city, to draw their attention to the consultation either via the council's web site, or via attendance at the ward committee meetings.
6. To assist with the consultation the NMU established a dedicated web page and a link to information concerning the SCA via the home page of the councils internet site. This included the provision of an on-line consultation facility, so that proposals could be submitted by residents

without the need to attend a ward committee meeting. This was done under the theme of 'Shaping Neighbourhoods'.

7. The closing date for the consultation via the internet and the ward committee meetings was the 8<sup>th</sup> May 2009.

## Consultation Results

8. As a result of the consultation the council received 327 proposals from individuals, community groups and Parish councils across the city. The majority of the responses were received via e-mail (149); 117 consultation forms were returned using the freepost address; 27 responses were received via the online survey; 24 were provided via the actual ward committee meetings and 10 via letter.
9. Of the 327 proposals received, all have been individually reviewed by a cross-directorate officer project group, the Corporate Management Team (CMT) and finally, by individual Directors. The purpose of this review process was to ascertain whether any proposal already fell within powers which the authority currently holds, (and would, therefore, be outside the scope of the SCA 2007) or whether new powers would be required, and as such, they fell within the scope of the SCA 2007.
10. Of the 327 proposals, the project group, CMT and Directors have determined that 281 already fall within the powers of the local authority or are such that they could be deleted for other reasons; for example as being not pragmatic. The proposals which have been screened in this way, have now been allocated to the directorates for their information and/or appropriate action.
11. In total 46 proposals do not fall within the council's current powers and are therefore within the scope of the SCA 2007. These 46 proposals are listed at **Annex One**.

## The next steps in the consultation process

12. This meeting of the Executive gives the opportunity for members to advise officers which (if any) of the 46 proposals they consider should **not** go forward to the next stage of consultation. Members may feel that 46 proposals are too many to consider at this time, and as such may wish to advise officers of say, 10 or 12 proposals which should go forward to the next consultation stage. Those proposals approved by Executive at this meeting will go forward to be discussed by the Without Walls Executive Delivery Board on the 15<sup>th</sup> June 2009. Specifically the Board will be asked to identify which proposals they feel support the themes of the Sustainable Community Strategy (SCS) and City Vision and the Local Area Agreement

priorities. The comments made at this forum will be noted and reported back to the Executive on the 21<sup>st</sup> July 2009.

13. On the 18<sup>th</sup> June 2009 the same proposals will be discussed by the Citizens Panel. This panel will be made up of members of the Talk about Panel, supplemented by:
  - o An existing young persons project group who are being funded via the Department for Children, Schools and Families (DCSF) to look at sustainability issues.
  - o Other individuals from typically 'under-represented' groups across the city to ensure compliance with the SCA 2007 and it's statutory guidance.
  - o Members who sponsored the Council Motion, together with any Executive Members who wish to attend.
14. The Citizens Panel discussions will be facilitated by officers from the NMU. The comments made at this forum will be noted and also reported back to Executive on the 21<sup>st</sup> July 2009.

### **Taking the proposals forward**

15. The report to the Executive on 21<sup>st</sup> July, will identify comments from the Without Walls board, and the Citizens Panel. It will also contain further information on any financial and legal implications relating to the proposals which have been considered. At this meeting, the Executive will have a final opportunity to select which proposals should go forward to the Local Government Association (LGA). The proposals have to be submitted to the LGA by 31<sup>st</sup> July 2009. The proposal form required for completion by the LGA is still in draft form only, as it is subject to change via the Selector Panel. **Annex Two** provides the current details that will be required for each submitted proposal. It can be seen that the information required is quite extensive (approximately 2,500 words per proposal).

### **Implications**

16. **Financial Implications** - The financial implications of any of the proposals can only be determined once selected proposals are agreed by the Executive. Representatives from Resources Directorate will advise on the extent of any financial implication as part of the Executive report on 21<sup>st</sup> July. There is a financial implication to the consultation, in particular in terms of the use of a Citizens Panel. This includes venue hire, production of event materials, refreshments etc. There is no dedicated budget



available for this process within the council. These costs are being allocated to the NMU cost centre.

**Legal implications** – There may be significant legal implications relating to some of the proposals. Representatives from Legal Services form part of the Project Group and the legal implications of any proposals will be advised as part of the Executive report on 21<sup>st</sup> July 2009.

**HR** – There are no HR implications associated with this report

**Equalities** – Equalities issues and ensuring that under represented groups form part of the Citizens Panel have been considered by marketing and communications when setting up the Citizens Panel. This will ensure that the make up of the Panel complies with the requirements of the Statutory Guidance.

**ITT** – There are no IT implications associated with this report.

## **Corporate Priorities**

17. The content of this report supports the Councils Corporate Strategy, in particular by enabling the public to shape and influence decisions through listening to communities and providing a greater say in local priorities.

## **Risk Management**

18. This report is in compliance with the Councils Risk Management Strategy. There are no risks associated within the recommendations of this report. Any particular risks associated with the proposals will be identified as part of the report to the Executive on 21<sup>st</sup> July 2009.

## **Recommendations (proposed for Executive)**

19. The Executive are recommended to:
  - a. Note the information provided within paragraphs 4-11 concerning the outcome of the public consultation exercise undertaken.  
  
Reason : So that Members are informed of the consultation and that it met the requirements of the Council motion by having the topic discussed at all ward committees across the city.
  - b. Note the response to the consultation after officer, CMT and Director screening. The screened responses are detailed at **Annex One**.

Reason: To consider the responses.

- c. Note and approve the next steps in the consultation process as detailed within paragraphs 12 to 14.

Reason : To ensure that the council complies with the consultation requirements of the Act and associated Statutory Guidance.

- d. Advise officers which of the 46 proposals detailed at **Annex One** should go forward to the next stage of the consultation.

Reason: To commence dialogue on those proposals with the LSP and Citizens Panel and to report back to the Executive meeting on 21<sup>st</sup> July 2009.

### Contact Details

<b>Author:</b>	<b>Chief Officer Responsible for the report:</b>		
Zoe Burns (Head of Neighbourhood Management and Business Support) Ext 1817	Andy Hudson (Assistant Director Neighbourhoods and Community Safety)		
	<b>Report Approved</b>	,	<b>Date</b> 29 <sup>th</sup> May 2009
	Adam Wilkinson Interim Director of Neighbourhood Services		
	<b>Report Approved</b>	,	<b>Date</b> 29 <sup>th</sup> May 2009
<b>Specialist Implications Officer(s)</b> A project group consisting of key officers have facilitated their Directorates to consider the implications of the proposals made by the public.			
<b>Wards Affected:</b>			<b>All</b> <input checked="" type="checkbox"/>
<b>For further information please contact the author of the report</b>			

### Background Papers:

1. Sustainable Communities Act 2007
2. Council motion 27<sup>th</sup> November 2008

3. 14<sup>th</sup> April 2009 Executive Report of the Director of Neighbourhood *Communities Sustainable Communities Act 2007*
4. HM Government Creating Strong, Safe and Prosperous Communities Statutory Guidance July 2008 Annex 1 – Sustainable Communities Act 2007 Statutory Guidance
5. Communities and Local Government February 2008 Sustainable Communities Act 2007: A Guide.
6. Spreadsheet showing all suggestions.

### **Annexes**

- Annex One            Proposals following screening by Project Team (Directorates), CMT and Directors.
- Annex Two            Details required by the LGA as part of the on-line submission of proposals form (this is currently still in draft form and potentially subject to changes by the Selector Panel)

29/05/09

This page is intentionally left blank

**Annex One – Proposals following screening by Project Team (Directorates) and CMT.**

ID	Suggestion detail	Category
15	To enable villages to be sustainable for all members of society, the government should give grants, equal to parish council receipts to groups (volunteers, charitable associations) to allow them to decide upon local improvements, amenity improvements, etc. Only local organisations have their feet on the ground and know exactly what is required. This would be supported by all the groups in Skelton	community facilities and activities
22	Make shops/companies let out the vacant rooms above their premises in return for a sustainable grant to make them energy efficient	environmental
35	Support for insulation purchases. Better insulation reduces carbon emissions, warming and helps save us all money! Better threshold for new houses too.	environmental
37	Require developers to lease land they own, but have not developed, to local councils to use for community purposes. Land that was intended for development (either for house building or retail use) but has not is likely to be developed in the near future. The land could be put to good use by communities to provide facilities for local residents (allotments/playing fields). Developers would retain ownership, councils would be barred from using in ways that prevented its subsequent development in the long term. The land would be leased to local communities at a nominal rate.	land ownership and leasing
40	Stop delivery of plastic charity bags	environmental
43	Planning, Land, Housing: Introduce legislation to ban the sale of properties in new developments as second homes. [See Hungate example where new properties are this week being marketed as second homes, which contributes nothing to meeting local housing need.]	land ownership and leasing
44	Planning, Land, Housing: Introduce legislation to give local communities the same rights to appeal against planning decisions as developers. As part of this, empower local authorities to provide an independent fund to which local communities can apply for financial support when contesting development proposals and provide government funding to support this	planning
45	Planning, Land, Housing: Make it clear in legislation that local authorities make the final decision (through their LDF process) regarding housing allocation target numbers for their area, whilst still requiring them to cooperate and discuss housing strategies at a regional level.	housing

**Annex One – Proposals following screening by Project Team (Directorates) and CMT.**

ID	Suggestion detail	Category
50	Green Development & Flood Mitigation: Tax to have the effect of double water rates if private gardens are made impermeable.	environmental
61	Energy: Requirement to install Wind Turbines adjacent to the ring road roads (& other trunk roads) - This is clearly about both processes. The ring road is an almost derelict area, noisy and for the most part distant from housing. We should establish a series of Wind Turbines which are owned by the community and the profit used to support further greening of York and surrounds and help create a more equal community.	environmental
65	Waste: Make it illegal to make things that are non-repairable/recyclable (BASED ON RECOMMENDATIONS FROM WRAP)	environmental
67	Waste: Charge business rates according to the waste produced from all of that company's products and processes (not just what they dispose of) and/or a packaging tax.	environmental
68	Waste: Legislation so that packaging can be taken back to local supermarkets for re-use, recycling, or they would have to pay the landfill tax for its disposal.	environmental
69	Waste: Review property law so that it is not theft to take things that would otherwise be going to landfill.	environmental
111	Require minimum levels of insulation before properties can be sold or rented (some financial aid for owners to bring buildings up to standard and limited exemptions for hard to treat properties eg listed buildings)	housing
112	Require composting toilets or reed bed systems and rainwater collection to be fitted in all new developments or on-site treatments tanks so no sewerage leaves the site and provide funding for the retrofitting of these. All recycles to allotment, garden or drinking water.	environmental
118	Requirement that trees, bushes etc used in landscaping be those that produce an edible crop eg fruit and nut trees, fruit bushes or those suitable for coppicing.	environmental
119	Govt promotion and new financial regs to allow the issue of Community Bonds to finance local building of renewable energy, sustainable homes, retrofitting etc	environmental

**Annex One – Proposals following screening by Project Team (Directorates) and CMT.**

ID	Suggestion detail	Category
123	Generate energy via community renewable energy so that money comes back into the community.	environmental
124	Change of regulation so that community based ambient renewable energy facilities are classified as general permitted developments (not requiring planning permission) but for community initiatives only, not for external companies.	environmental
130	Bring Commercial waste into councils targets for increasing recycling (I.e. by commercial waste in the system of LATS penalties)	environmental
133	Charge business rates according to the total waste produced as a result of all that company's products and processes (not just what they themselves dispose of) and/or packaging tax	environmental
148	Legislation to reduce the horse-power rating allowed for private vehicles, perhaps with application/proof of use necessary to buy high power agricultural/load towing 4x4 vehicles	transport
153	Let the City of York keep 100% of council house rental income	housing
182	Put environmental sustainability at the centre of local area agreements (rather than sidelining it as is currently the case) and require all 'Sustainable Community Strategies' to include detailed plans (with annual targets) for cutting greenhouse emissions in the local authority are by 40% by 2020.	environmental
184	Ensure that all landfill tax and LATS penalties are returned to local authorities for investment in further recycling, reduction, reuse and repair measures	revenue / tax
202	Improvements to Fulford lngs. It is mostly in private ownership but the public have access to it and it has Site of Specific Interest status.Natural England works with landowners on a management scheme but is finding it difficult to fund this. There are many things which would improve the site by preserving it biological diversity and making it more accessible to the public. Work needed would include improvements to the drainage and footpaths, new fencing gates and hedging. See sheet for full details.	environmental

**Annex One – Proposals following screening by Project Team (Directorates) and CMT.**

ID	Suggestion detail	Category
204	On the spot fines for parking on the verges is merely cosmetic and will not address the issue of cars obstructing pavements so it would be much more helpful if there were on the spot fines for parking on any raised pavement areas. This would assist not only the blind and partially sighted but also those in wheelchairs or with walking frames. We have examples in our area where walking frame users have to walk in the road because the cars are parked right across the pavement. Car owners driving past then shout at people for walking in the road. Cars also park over the lowered pavement access area thus forcing wheelchair users and their carers to negotiate kerbs - not acceptable. The quality of life and environment is impaired by those who park on any pavement area and on the spot fines would send a message that it is unacceptable in York and hopefully would lead to the problem being solved.	highways and street environment issues
211	I would like to see air compressed cars only allowed in the city centre.Can you in association with Yorkshire Forward invite MDI to start production here?	transport
213	Recycling/Waste Management in the City: Give the council powers to: 1) restrict wasteful packaging and promote recyclable or compostable packaging for take away food sales (I.e eliminate polystyrene boxes in favour of paper and card), 2) to require retail outlets and/or companies to collect recyclable containers (I.e. bottles and cans) against a deposit. For examples of this, look at germany. York could promote itself as a flagship city of sustainable waste management and reduce the litter problem in the process. 3) promote the use of (standard size and shape) returnable bottles, boxes and packaging, e.g for food. This could also be first implemented in local bye-laws. McDonalds etc. would not want to pass up on a major tourists attraction. Packaging can be returned by supermarkets in empty returning lorries.	environmental
214	Controls on energy consumption/carbon emissions: Give the council powers to: 1) to restrict usage of outdoor heating e.g gas heaters used in pubs. Also include restrictions on heating in e.g shops who leave their frontage wide open. 2) Relax conservation rules on listed buildings to allow double glazing and better insulation as well as renewable energy installations (solar water,photovoltaics) on roofs etc.	environmental
223	The national curriculum should be changed to include being a safe road user (including cycling and driver education). The national 'Bike It' cycle training should be government funded to be offered free in all schools.	education



**Annex One – Proposals following screening by Project Team (Directorates) and CMT.**

ID	Suggestion detail	Category
226	Companies should be taxed on any packaging other than cardboard and forced to accept it back for re-use or recycling as appropriate. Commercial waste should be included in the government target levels for cutting landfill and made to pay the same excess charge for exceeding those limits.	environmental
250	My concern for York, not just for Fishergate, is being ready for the consequences of climate change and peak oil. We need to be actively trying to mitigate these by e.g. localising food production and employment, improving flood defences	environmental
256	RIVALRY BETWEEN TWO ADJACENT VILLAGES - very little solid cooperation, and amenities developed separately, although shared to some extent. Most of commercial facilities in Haxby but more green space in Wigginton	community facilities and activities
260	Lots of green trees but nothing useful about those trees ie not edible or beneficial to bees etc. Lots of sealed surface (driveways and road and pavements)...	environmental
265	Extremely limited renewable microgeneration, esp. solar hot water heating. Disgusted at the variation in price, and quality of installations, I self-installed a solar hot water heating system a couple of years ago and I have slashed my gas bill,	environmental
270	HEP Scheme on Foss Weir	environmental
278	Demand that smokers to use eco-cigarettes which are fully in compliance with ‘Smoking Free’ law in the UK. (please see website <a href="http://www.ecocig.co.uk">www.ecocig.co.uk</a> ).  (please see website <a href="http://www.ecocig.co.uk">www.ecocig.co.uk</a> ).	environmental
290	Take bold steps to deal with the appalling traffic problem and make commuting a pleasure:  o <b>a)Make public transport more favourable in cost and convenience than use of cars. Slash prices, increase frequency and charge motorists coming into the city to help pay for the public transport.</b>  o b)During rush-hours give an extra green light for cyclists to give them a head-start (and an incentive).	transport

**Annex One – Proposals following screening by Project Team (Directorates) and CMT.**

ID	Suggestion detail	Category
	<ul style="list-style-type: none"> <li>o c)Make cycling on narrow busy roads safer. E.g. Haxby Road; could it have a one-way priority system like the Huntington Road?</li> <li>o The solutions are out there. Look at Holland or Switzerland as models for how to solve urban traffic. It is achievable. Don't just tinker at the edges.</li> </ul>	
295	Community renewable energy projects	environmental
296	Encourage local initiatives to plant fruit bearing trees in local landscaping schemes - look for every opportunity and make this a positive local	environmental
298	Do everything required to bring in Personal Carbon budgets/rationing within 3 yrs (the situation is even more serious than it was in the 2nd World War).	environmental
310	Planning decision should remain LOCAL, not overturned by appeal to central government.	planning
318	Many houses in York have walls unsuitable for cavity wall insulation. Could the Council obtain technical advice on an effective method of insulating such properties or even help with funding. In conservation areas only inside walls could be treated	housing
325	No bank in Strensall	local economy

**Detailed required by the LGA as part of the on-line submission of proposals. (currently still in draft form)**

**Part 1 Proposal Summary and registration**

- 1.1 Lead authority name
- 1.2 Is this proposal submitted by this authority alone or is it a joint proposal
- 1.3 Who is the lead contact person within the local authority (This is the only person from whose e-mail address the Selector online system will accept the final version of the form)
- 1.4 Details of supporting organisations and their status
- 1.5 Access arrangements for other officers to be able to view and add to forms
- 1.6 Summary of the proposal including the main elements of the proposal, who is affected by the proposal and how, what are the main actions needed from the government, how the proposal will promote sustainability of the local community, which public bodies might be affected and what do we expect the proposal to achieve. **(Max 1000 words)**

**Part 2 About the Proposal**

Impact on Sustainability

- 2.1 How will the proposal help you tackle sustainability challenges in your area
- 2.2 Over which geographic area will your proposal affect
- 2.3 Who will benefit from the proposal
- 2.4 Explain how the proposal promotes sustainability as defined by the act and locally.
- 2.5 What steps will you take to mitigate adverse sustainability from your proposal
- 2.6 What projects, activities and changes would take place in your area if your proposal was successful
- 2.7 Does your proposal involve transfers of responsibilities between public bodies in the area? If so what are these and what budgetary implications might be involved
- 2.8 Which matters as listed within Schedule 1 of the Act are relevant to this proposal

Existing Barriers

- 2.9 What are the existing barriers to implementing the proposal
- 2.10 What actions are needed by Government to make the proposal possible?

Consultation on the proposal

- 2.11 How have you consulted and engaged with representatives persons and under represented groups? eg council, local community organisations and residents groups, Parish and Town Councils, local and national

## Annex Two

- organisations, political parties, church and faith groups, local businesses or chambers of commerce and others.
- 2.12 What are the views from this consultation? You may wish to provide evidence of local support for your proposal

### Part 3 Local Authority endorsement

- 3.1 Have consultation requirements have been met through the use of 'local representatives' in line with the Act and Statutory Guidance, including details of Panel meetings **(max 500 words)**.
- 3.2 Confirmation of Council Support – detailing the dates of Executive meetings.
- 3.3 Context for council support **(Max 1500 words)** including:
- The councils view of the levels of local support for the proposal
  - Any local opposition or objections that the Selector should be aware of
  - Relevance of the proposal to the area's Sustainable Community Strategy
  - Relevance of the proposal to the Local Area Agreement for the area
  - Outcome of any local authority discussions with agencies or public bodies affected
  - Potential regional / national significance of the proposal, if replicated elsewhere
  - Any major resource implications for the council or its local partners
  - Any other factors influencing viability and achievability in the proposal.
- 3.4 Assessment by the Selector that we will abide by the outcome of the Selectors and decision making process.
- 3.5 We have to decide whether we wish to make a short verbal presentation on the proposal to the Selector.

**Annex 3**

**SCA - Additional Proposals for Further Consultation**

The Executive feels that the following composite issues are worthy of further consideration and that they do give the real possibility of a change of legislation:-

1. Greater powers to bring into use empty buildings and unused land. 'Councils should have the power and funding to buy any houses/apartments that are unsold for more than a year and make them available as affordable housing for people on their housing waiting list. This would both help to re-start the housing market and force developers to sell to a housing association/local council or cut their prices to meet what people can afford to pay in the current recession rather than they be left standing empty”.
2. Allocation of personal carbon budgets
3. Give the council powers to restrict usage of outdoor heating e.g. gas heaters used in pubs.
4. Restrictions on heating in e.g. shops who leave their frontage wide open.
5. Relaxation of conservation rules on listed buildings to allow double-glazing and better insulation as well as renewable energy installations (solar water, photovoltaics) on roofs etc.
6. Council to have powers to require retailers to take back packaging issued with goods
7. Recycling/Waste Management in the City: Give the council powers to:
  - a) restrict wasteful packaging and promote recyclable or compostable packaging for take away food sales (i.e. eliminate polystyrene boxes in favour of paper and card)
  - b) to require retail outlets and/or companies to collect recyclable containers (i.e. bottles and cans) against a deposit. For examples of this, look at Germany.
  - c) promote the use of (standard size and shape) returnable bottles, boxes and packaging, e.g. for food.
8. On the spot fines (including powers for PCSOs and Parking Wardens) for parking on verges and footpaths.

The following six issues are of concern to residents and we would support them. However, as they are diametrically opposite to the present governments policies we fear that they stand little chance of being embraced by the Government which would be necessary to enable legislative changes to be made:

- a) Legislate to ensure that the final decision on housing allocations target numbers for the LA area is made by the local authority through the LDF process rather than at the regional level whilst also requiring discussion of housing targets at the regional level.
- b) Re-regulate bus service operations
- c) Let York keep 100% of Council house rental income
- d) Require the local authorities to give preference to locally sourced food, building materials, paper, wood, fuel, etc. through its contracts. (NB requires changes to European legislation)
- e) Ensure that all landfill tax and LATS penalties are returned to local authorities for investment in further recycling, reduction, reuse and repair measures
- f) Retain business rates income locally.



---

**Executive****9 June 2009**

Report of the Corporate Landlord

**Water Management (including Legionella)****Summary**

1. This report provides an update on the importance of managing Legionella, the standards expected, the current position at CYC and asks for approval to the proposed structure and funding arrangements to enhance the water management framework for the City of York Council.

**Background**

2. In the summer of 2002, an outbreak of Legionnaires' disease occurred in the town of Barrow-in-Furness in South Cumbria. It resulted in the deaths of seven members of the public and infected a further 180 people. The source of the outbreak was traced back to an air conditioning unit at Forum 28, an arts and leisure centre owned by Barrow Borough Council.
3. The prolonged investigation and subsequent public enquiry, concluded in 2007, identified significant issues relating to the need for more effective management of water and in particular 'Legionella'.
4. Legionnaires' disease is a type of pneumonia. It was named after an outbreak of severe pneumonia that affected a meeting of the American Legion in 1976. It is an uncommon but serious disease. Legionnaires' disease occurs more frequently in men than women. It usually affects middle-aged or elderly people, and it more commonly affects smokers or people with other chest problems.
5. The council has had risk mitigating measures in place for a number of years, but the findings of the Barrow-in-Furness case has spawned new directives and codes of practice that need to be adhered to.

**Legal requirements**

6. The specific relevant regulations that require following are:

***Health and Safety at Work etc Act 1974******Management of Health and Safety at Work Regulations 1999 (MHSWR)***

***Control of Substances Hazardous to Health Regulations 1999 (COSHH)***

7. These legal duties require people operating water systems, to ensure that they are operated and managed in such a way as to prevent the risk of exposure to Legionella bacteria. A single legal document called ***“Legionnaires’ disease - The control of Legionella bacteria in water systems. Approved Code of Practice and guidance”***, commonly referred to as L8, describes the legal duties and provides practical guidance on how to comply with the law. It requires dutyholders to:
- Assess the risks of Legionnaires’ disease;
  - Appoint a person to have managerial oversight;
  - Prevent or Control the Risk; and
  - Monitor

**CYC Current position**

8. CYC has recognised the need to manage Legionella more effectively by complying with L8 and has acted positively to reduce the risk:
- (1) Appointed Neil Hindhaugh (Assistant Director: Property Services) as the responsible person; and
  - (2) Property Services FM team have promoted and coordinated all works to date.
  - (3) Property Services appointed NALCO as an external contractor to carry out the initial assessment of the risk of Legionella across 157 CYC premises (apart from within Housing who are managing their own portfolio in respect to the risk to Legionella)
  - (4) NALCO have identified the risk coming from the assessment as either priority 1, 2 or 3, With priority 1 being the most important and perceived potential breaches of legislation. CYC have a plan in place to respond to all priority 1 issues on a “needs must” basis.
  - (5) Property Services have undertaken a benchmarking exercise of other councils in the region to identify and compare levels of compliance, processes in place or being developed and costs.
  - (6) Property Services have been using the Risk Assessment to decide upon the appropriate control system that is required for the risk
  - (7) Property Services have drawn together management files that combine the risk assessment with the corresponding documentation such as schematics as well as the monitoring requirements for each specific site
  - (8) Property Services have already let a contract for the monitoring of all Elderley Persons Homes to mitigate any risk to this vulnerable group of people.



- (9) Documentation is being prepared to procure contractors for the monitoring, sampling and testing regime for all other properties.

**To discharge our legal responsibilities CYC needs to ensure:**

9. That the appointed person (Responsible Person) has sufficient resource to fulfil their duties (this was one of the identified failings from the Barrow Legionella Case)
  - (1) That Monitoring is carried out, evidenced and recorded in line with the legal requirements
  - (2) That there are sufficient funds to resource improvements identified by NALCO as part of their risk assessment.
  - (3) That there are sufficient funds to resource the in-house co-ordination and management of this activity, as the Responsible Person.

**Conclusion**

**At present CYC would not be seen to be legally compliant in the management of Legionella bacteria in water systems.**

10. This conclusion is made because although CYC have carried out risk assessments of the water systems through NALCO:
  - All of the priority one actions, NALCO have identified, have not been implemented; and
  - CYC are not consistently carrying out the legally required monitoring checks that are required and set out in “The control of Legionella bacteria in water systems. Approved Code of Practice and Guidance, L8”; and
  - The responsible person must have sufficient resources to fulfil the legal requirements.

**Action required**

11. The following actions to be implemented:
  - Sufficient resources be provided to undertake works to fulfil the obligations of the ‘Responsible Person’ within Property Services .

The proposal is to strengthen the ‘compliance team’ within the service through:

- either the creation of a new post of Assistant Compliance Officer to work alongside the Asbestos Manager (to become Compliance Officer) as part of a compliance team covering CYC’s obligations for asbestos, fire regulations and water management. This will provide cover when one or the other is absent.

- Or by purchasing specialist expertise from the market place to support the compliance team covering CYC's obligations for asbestos, fire regulations and water management.
- Ensure that the legally required monitoring checks are being carried out. This can be achieved either by recruiting an in-house team to manage and perform all the checks or by using a specialist contractor. Whichever option is decided they would be responsible for carrying out all the monitoring checks and maintaining the required record keeping.
- The preferred option for delivering this work is to employ a specialist contractor. Reason: They already have a trained, skilled and efficient resource at their disposal and available to us now. The benchmarking exercise showed that other authorities had, generally, adopted a similar approach.
- Ensure that the responsible person has sufficient resources to fulfil all of the legal requirements

## Consultation

12. The council has undertaken a benchmarking exercise with other neighbouring authorities to determine their approach to this matter and to compare the level of resource and budget required to implement a compliant strategy.
13. All building managers have been given an initial briefing and have been provided with management files that combine the assessment with the corresponding documentation such as schematics and the monitoring requirements for each specific site

## Options

14. The only option available to the council is one of compliance. The council has been under the spotlight from the Health & Safety Executive over the last few years and on this important issue the council must be seen to have responded in a proper manner.
15. The Executive is asked to approve action on all issues set out in this report. For the specialist activities Executive has a choice of:
  - (1) Creating its own specialist team to undertake all monitoring activities, or
  - (2) Employ a specialist contractor to undertake this work.

## Analysis

16. (1) would require a prolonged process of creating and approving a structure, preparing job plans, having them evaluated, advertising, recruiting and training before any of the urgent monitoring work could be undertaken.
17. (2) would require a process of procurement to appoint an established, qualified and skilled team to undertake the work. Most of the specialist contractors are currently

working for other council's doing similar works. References would be taken from those council's as part of the procurement process.

18. The preferred option for delivering this work is to employ a specialist contractor. Reason: They already have a trained, skilled and efficient resource at their disposal and available to us now. The benchmarking exercise showed that other authorities had, generally, adopted a similar approach.

### **Financial Implications**

19. The costs associated with compliance are outlined in Annex A of this report.
20. The council recognises that compliance is a priority and needs to be effectively resourced. However, in the current financial climate existing resources will need to be re-prioritised to accommodate this need and avoid the need for growth.
21. The costs of monitoring, sampling and testing of all council buildings will be the subject of a procurement and tendering process. The figures contained in Annex A are based upon those in other council's as determined by the benchmarking exercise. This will be an annual cost recharged to each individual directorate relative to the number and size of properties used for the delivery of their services. These annual costs will be contained by the relevant Directorate within their existing budget allocations. This recharge will also include the cost of coordination and management of compliance by the Corporate Landlord (Responsible Person)
22. The capital cost of any works necessary to replace, refurbish or upgrade facilities or components within a building will be met from within existing capital budgets. These costs are not expected to be significant, but in the event of a major incident or need, provision will be met from contingencies.

### **Corporate Priorities**

23. Responding to the risks associated with Legionella contributes to the Corporate Strategy in terms of being a 'Heathy City' and an 'Effective Organisation'

### **Implications**

24.
  - **Financial** *See Annex A and above in the main body of the report..*
  - **Human Resources (HR):** *The implementation of the management framework for water and legionella may require the appointment of one full time post to the compliance team. The Job Plan for the Assistant Compliance Officer has been prepared and will be evaluated and the costs compared with market alternatives. The outcome of this exercise will further inform the financial implications of this report.*
  - **Equalities:** *None*

- **Legal** *Aspects of this subject matter deal with legislation, failure to comply with that legislation could lead to legal actions against the authority and individuals within it..*
- **Crime and Disorder** *none relating to this process*
- **Information Technology (IT):** *None*
- **Property** *All contained within this report*
- **Other:** *None*

### **Risk Management**

25. The risk of Legionella outbreaks should be fully assessed and entered onto the appropriate risk register.

### **Recommendations**

26. Members are asked to:
27. Acknowledge the importance of Water Management and particularly Legionella.
28. Approve the management framework described in this report, to include
- (1) To recruit/procure the specialist support required to undertake works to fulfil the water management obligations of the 'Responsible Person' within Property Services;
  - (2) The employment of a specialist contractor to undertake all monitoring activities.
  - (3) The provision of sufficient resources, through re-prioritisation, to fulfil the council's legal requirements.

*Reason: To ensure that the council becomes compliant in its response to the risks associated with water management and particularly, legionella.*

**Contact Details**

**Author:**

**Neil Hindhaugh**

Assistant Director: Property  
Services

**Chief Officer Responsible for the report:**

**Chief Officer: Neil Hindhaugh**

Assistant Director Property Services

Report Approved

Date 28/5/09

**Specialist Implications Officer(s)** *List information for all*

**Jonathan Grainger**

Head Of Health & Safety

**Ian Floyd**

Director of Resources

**Wards Affected:**

All

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

**Annexes**

Annex A - Estimated budgetary requirements for compliance by CYC

This page is intentionally left blank

**Annex A - Estimated Budgetary Requirements for Compliance by CYC**

Task/Element	Estimated cost	Estimated cost	Estimated cost	Estimated cost	Estimated cost
	revenue £000s	revenue £000s	revenue £000s	revenue £000s	revenue £000s
	2008-9	2009-10	2010-2011	2011-12	2011-13
<b>Water Risk Assessments</b>					
- initial assessments	35				
- 2 year review		5	5	5	5
<b>Coordinating as Responsible Person</b>					
- creating the compliance team		35	35	35	35
*subject to evaluation of post					
<b>Monitoring</b>					
- Thorough inspection of water systems, to include monitoring of tap water temperatures, calorifier input and output temperatures, inspection of water tanks, taps, showers etc.		90	90	90	90
*subject to procurement exercise					
<b>Sampling &amp; Cleaning</b>					
- Taking water samples to test for bacteria, including legionella. Cleaning/ disinfecting water tanks, taps, shower heads and WCs etc. Altering boiler controls to adjust water temperature etc.		25	25	25	25
*subject to procurement exercise					
<b>Total Revenue Cost</b>	<b>35</b>	<b>155</b>	<b>155</b>	<b>155</b>	<b>155</b>
<b>Remedial Works</b>					
- Removal and repair of water tanks, pipeworks, fittings and fixtures following assessments and implementation of action plans	0	100	50	50	50
<b>Total Capital Costs</b>	<b>0</b>	<b>100</b>	<b>50</b>	<b>50</b>	<b>50</b>

NB. The above estimated cost does not include for the cost of compliance in premises administered by Housing Services (who manage the risk internally) and for compliance in commercial premises administered by Property Services as part of the Commercial Portfolio Management.

**Calculation of Annual Property Cost**

No. of properties included in this cost analysis = 157

Estimated cost of water management framework = £155,000

Average cost per property = £1000 per annum.

No of properties < 1000m2	83	650	53950
No of properties > 1000m2 < 5000m2	65	1300	84500
No of properties > 5000m2	9	2000	18000

156450

This page is intentionally left blank