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MEETING	EXECUTIVE MEMBER FOR NEIGHBOURHOOD SERVICES AND ADVISORY PANEL
DATE	7 DECEMBER 2006
PRESENT	COUNCILLORS LANCELOTT (CHAIR), HALL, POTTER, WALLER (EXECUTIVE MEMBER) AND B WATSON

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### **30. Declarations of Interest**

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

Councillor Potter declared a personal non prejudicial interest in agenda item 11 (Neighbourhoods Group Legal Actions) as her daughter was shortly to be involved in test purchasing and in agenda item 6 (Revenue Budget Estimates 2007/08) as a member of the Management Committee of the Friends of St Nicholas Fields.

### **31. Exclusion of Press and Public**

**RESOLVED:** That the Press and Public be excluded from the meeting during consideration of Annex 2 to agenda item 5 (2006/07 Second Monitoring Report – Finance and Performance) on the grounds that it contains information, relating to the financial or business affairs of any particular person (including the authority holding that information), this information is classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

### **32. Minutes**

**RESOLVED:** That the minutes of the last meeting of the Executive Member for Neighbourhood and Advisory Panel held on 18 October 2006 be approved and signed by the Chair and Executive Member as a correct record.

### **33. Public Participation**

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

### 34. 2006/07 Second Monitoring Report - Finance and Performance

Members considered a report which presented the following information:

- a) the latest projections for revenue and capital expenditure by the Neighbourhoods portfolio and traded accounts.
- b) first six months (06/07) performance against target for a number of key indicators that were made up of:-
  - Best Value Performance Indicators
  - Customer First Targets (letter and telephone answering)
  - Staff Management Targets (sickness absence).

It was reported that current projections showed that Neighbourhood Services would overspend by £57k (0.4% of the net portfolio revenue budget) and as part of this the Executive Member was requested to give approval to the release of the contingency held over from last year to balance this budget to overcome the shortfall in the crematorium income.

Officers reported that the main areas to note were

- that they were closely monitoring the purchase of replacement bins with the option to purchase through the capital scheme, if necessary
- the overspend of the Toilet Cleaning contract which had been addressed with changes to the service agreed.
- the overspend on Waste Management as a result of additional security required at all three Household Waste Recycling Centres.

Members questioned the problems arising at the recycling centres and the use of CCTV surveillance, when performance overview details would next be available and whether the rebranding exercise had been undertaken within existing budgets. Officers confirmed that the final outturn monitoring report to EMAP would not be presented until late May early June but that key headline information could be made available to Members prior to that. In answer to a question Officers confirmed that additional waste minimisation proposals would be relaunched early in the New Year.

#### Advice of the Advisory Panel

- i) That the Advisory Panel advise the Executive Member to approve the financial and performance position of the portfolio.
- ii) That the Advisory Panel advise the Executive Member to give approval for an application to the Executive for the release of £55k from contingency for the short fall in the Crematorium income previously set aside.
- iii) That Officers arrange for Members to receive briefings/reports containing headline performance figures prior to the final outturn report in May.

### Decision of the Executive Member

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

REASON: In accordance with budgetary and performance monitoring procedures.

### **35. Revenue Budget Estimates 2007/08**

This report presented the 2007/08 budget proposals for Neighbourhood Services portfolio. It included:

- the budget adjusted and rolled forward from 2006/07
- the allocation of pay and price increases for the portfolio
- budget service pressure proposals and savings options for the portfolio area
- budget options subject to consultation

The Executive Member and Advisory Panel were asked to consider and comment on the budget proposals and identify their preferences for submission to Budget Executive on 16 January 2007.

The figures in the 2006/07 settlement indicated that the increase in government funding in 2007/08 nationally would be 4.0% but for York the figure was 3.2% or an additional £1.192m. However, there was no guarantee that this allocation will not change when the final grant settlement was announced in late January 2007, although any changes were expected to be minor.

Members expressed their thanks to Officers for finding the required savings and to residents for increased recycling which provided additional landfill tax savings for reinvestment in schemes. It was also reported that the Authority's budget would be assisting the Friends of St Nicholas Fields to support their recycling scheme next year.

The Labour Group reserved their position on the proposals.

### Advice of the Advisory Panel

That the Advisory Panel advise the Executive Member to approve the budget proposals for consultation for the Neighbourhood Services portfolio for 2007/08 contained in the report, whilst rejecting the "Further Savings Options", and the items listed below to be submitted to the Budget Executive on 16 January 2007:

- 2007/08 Base Budget as set out in paragraph 7 of the report;
- Service Pressure proposals as set out in Annex 1;
- Savings proposals as set out in Annex 2;

Decision of the Executive Member

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

REASON: To begin consultation on the Neighbourhood Services budget for 2007/08.

**36. Services Plans April 2007/08**

Consideration was given to a report which detailed the 2007/08 Service Plans for the following areas:

- Environmental Health and Trading Standards
- Licensing and Bereavement Services
- Neighbourhood Pride Unit
- Building Maintenance
- Civil Engineering
- Waste Services
- Street Scene
- Cleaning Services

Members questioned the service arising from the relocation of the taxi testing centre to Hazel Court and the partnership agreement with ABRO. Officers confirmed that it was hoped that this would improve the service but that this was unclear at the present time. It was also reported that the new depot would, in future, meet MOT standards for servicing vehicles. In answer to a question regarding service delivery and performance monitoring of the Tenant Involvement Service, Officers confirmed that resources would be targeted in this area with clearer lines of responsibility and closer working with Housing Services and the Housing Federation. Members thanked Officers for work undertaken in preparing the Plans.

Advice of the Advisory Panel

That the Advisory Panel advise the Executive Member to approve the Service Plans proposals for Neighbourhood Services for 2007/08.

Decision of the Executive Member

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

REASON: To monitor and review performance in this portfolio area.

### **37. Revenue Budgets 2007/8 - Neighbourhood Services Fees and Charges**

This report advised Members of the proposed fees and charges for Neighbourhood Services for the financial year 2007/08 and the anticipated increase in income which would be generated. Details of the individual fees and charges for Neighbourhood Services were set out at Annex 1 of the report.

It was reported that the current income generated from Neighbourhood Services fees and charges was estimated to be £2.1 million. Broadly inflation matching increases were proposed for 2007/08 except for the cremation charges, pest control, waste collection and trade waste charges. The increases were estimated to generate additional income totalling approximately £115k including proposed savings of £75k.

Members were informed that the basis and level of charging for the sale or supply of alcohol, provision of entertainment and of late night refreshment, introduced by the Licensing Act 2003, was to be reviewed in Autumn 2007. Under the Gambling Act 2005 local authorities would have duties to licence premises used for gambling which it was reported should be self financing through the receipt of fees with applications expected from April 2007.

The Labour Group reserved their position on the proposals.

#### Advice of the Advisory Panel

That the Advisory Panel advise the Executive Member to approve the fees and charges proposals for Neighbourhood Services for 2007/08 contained in the report at Annex 1 and that they be submitted to the Budget Executive on 16 January 2007.

#### Decision of the Executive Member

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

REASON: To update the Executive Member on the proposed fees and charges for Neighbourhood Services for 2007/08.

### **38. Material Procurement**

This report sought approval to commence negotiations and make detailed arrangements for the supply of building related materials to Building Services, following competition to select a preferred bidder using the OGC (Office of Government Commerce) procurement route.

Members were reminded that in the past materials had been sourced through separate contracts with various suppliers procured through the normal procurement routes within the City of York Council financial regulations. This had involved placing an advert within OJEU (The Official Journal of the European Union) and then sending out tenders to suitable suppliers who passed an initial pre-qualifying test. This had been a long drawn out process which could take up to 6 months to complete and involved a great deal of officer time.

Working with OGC and the City of York Council procurement team a competition had been undertaken with two national companies, with a strong local presence, Jewsons Ltd (St Gobain Building Distribution) and Wolseley UK and the results of this process was set out in Annex 1 of the report.

Officers stated that the negotiation of such a contact would benefit both the authority and its workforce. Jewsons Ltd, the company recommended for the supply of materials, had indicated that the authority would receive one monthly invoice for materials thereby cutting Officers time in processing individual invoices.

Members questioned the monitoring of the contract and Officers confirmed that this would be undertaken both through OGC benchmarking and internally and that this information would be made available to Members.

Members then considered the following options

**Option A.** The result of the procurement process has indicated that Jewsons Ltd. represent best value for money in terms of financial, quality and service delivery. The option to accept these results and enter into negotiations to form a five-year partnership agreement with an option to extend for a further three years with Jewsons Ltd. is recommended.

**Option B.** To abandon this process and adopt a more traditional procurement route.

#### Advice of the Advisory Panel

That the Advisory Panel advises the Executive Member to approve Option A and allow the Director of Neighbourhood Services to enter into negotiations for a five year supply agreement with Jewsons Ltd (Saint Gobain Building Distribution).

#### Decision of the Executive Member

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

**REASON:** This option represents best value for both the service and the customers.

### **39. New Neighbourhood Action Plans**

This report outlined the proposed approach to the development of Neighbourhood Action Plans (NAP's) across the city, taking into account the details and ethos contained within the Local Government White Paper – Strong and Prosperous Communities. The content of this report superseded the report entitled “Neighbourhood Action Plans” approved by the Executive Leader and Advisory Panel on the 20<sup>th</sup> February 2006.

Members were asked to approve the proposed framework for NAP's, the detailed delivery timeframe and requested officers to report back on options for the further development of NAP's at an appropriate time, in light of the requirements of the White Paper.

Members questioned the differences between the previous Ward Plans and the new NAP's and Officers stated that these plans would give a more consistent approach across the authority to tackling local peoples priorities. Concern was expressed that Ward Committees budgets had already been allocated for the year and that this would prevent any spending on new schemes arising from the Plans or on consultation of the NAP's. Officers stated that the delivery timeframe took into account the current cycle of ward committee meetings and the local improvement scheme timetable.

Members then considered the following options:

#### **Option 1**

Approve the proposed framework for NAP's contained within Annex 2. Approve the proposed delivery timeframe for NAP's contained within Annex 3 and to request officers to further develop NAP's in light of the content of the White Paper and Lyons Inquiry and to report back at an appropriate date.

#### **Option 2**

Not to agree the proposed framework and delivery timeline detailed in Annexes 2 and 3 for the delivery of NAP's

#### Advice of the Advisory Panel

- i) That the Advisory Panel advise the Executive Member to approve the proposed framework for Neighbourhood Action Plans contained within Annex 2 and outlined in paragraph 10 of the report.
- ii) That the Advisory Panel advise the Executive Member to approve the delivery timeframe contained within Annex 3 and outlined in paragraph 11 of the report for the delivery of Neighbourhood Action Plans.
- iii) That the Advisory Panel advise the Executive Member to request officers to further develop Neighbourhood Action Plans in light of the content of the White Paper and Lyons Inquiry and to report back at an appropriate date.

#### Decision of the Executive Member

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

- REASON:
- i) To comply with the Council's obligations contained within the Councils Constitution Part 3 Schedule 2 concerning the functions of ward committees. It will deliver the 'bottom up' elements of the Local Area Agreement and will also assist with the development of neighbourhood management at a ward level consistent with requirements of the White Paper.
  - ii) To facilitate effective delivery of Neighbourhood Action Plans utilising the current cycle of ward committee meetings and Local Improvement Scheme delivery timeframes.
  - iii) To ensure that the documents comply with the requirements of central government, contain best practice and innovation and comply with the requirement of the new inspection regime.

#### **40. Neighbourhoods Group Legal Actions**

This report informed Members of the results of legal actions, which included prosecutions, formal cautions and fixed penalties, undertaken by the Neighbourhoods area of the Directorate of Neighbourhood Services (Environmental Health, Trading Standards, Licensing and Street Environment Services) for the period 1<sup>st</sup> July 2006 – 30<sup>th</sup> September 2006. Annex A of the report summarised the prosecutions completed and fixed penalty notices and cautions that had been issued.

#### Advice of the Advisory Panel

That the Advisory Panel advise the Executive Member to note the updating details of enforcement action taken by the Neighbourhoods Group, and to thank Officers for their efforts in pursuing cases.

#### Decision of the Executive Member

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

REASON: To update the Executive Member on Neighbourhoods Group legal actions.

#### **41. Sales of Age Restricted Products**

This report informed Members of the work undertaken by the council's trading standards service to prevent the sales of age-restricted products.



Member approval was required for the programme of action for the next 12 months in relation to the enforcement of:-

- i) The Children and Young Persons (Protection from Tobacco) Act 1991 in relation to cigarettes/tobacco.
- ii) The Anti-Social Behaviour Act 2003 in relation to aerosol paint.

Officers referred to an important judgement which was awaited as to whether or not the premises licence holders could be liable for illegal sales of alcohol. The judge had already given a formal 'indication' that, based on the written legal arguments he had received, he was minded to rule that they were not liable for prosecution. This was contrary to statutory guidance issued by the Department of Culture Media and Sport.

Members expressed their disappointment in relation to the probable outcome of this case as they felt that the premises licence holders had a duty of care towards their employees.

Consideration was then given to the following options:

**Option 1:** The council should continue with the programme of education and enforcement action set out in paragraph 4 for the next 12 months.

**Option 2:** The council should continue with the programme of education and enforcement action set out in paragraph 4 for the next 12 months but rather than considering prosecution for first time offenders officers should adopt a more flexible approach to taking formal enforcement action including the use of fixed penalty tickets when these become available and the use of licensing reviews for repeat offenders in the case of illegal alcohol sales.

**Option 3:** The council may adopt a different programme of enforcement.

#### Advice of the Advisory Panel

That the Advisory Panel advise the Executive Member to note the report and adopt Option 2 for the programme of enforcement action for the next 12 months.

#### Decision of the Executive Member

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

**REASON:** So that the Council can meet its obligations in relation to the enforcement of The Children and Young Persons (Protection from Tobacco) Act 1991 in relation to cigarettes/tobacco, The Anti-Social Behaviour Act 2003 in relation to aerosol paint and the Licensing Act 2003 in relation to the underage sales of alcohol.

## **42. Noise Patrol Update**

This report asked Members to note the actions taken by the Noise Patrol to date, and to be aware of the service pressure generated by the additional workload, over and above that which was anticipated.

In March this year the Executive Member had approved a new approach to tackling noise nuisance, which included the setting up of a new weekend night time noise enforcement service (the "Noise Patrol"). It was reported that over 500 telephone calls had been received during the first six months of the Noise Patrol service and that from July to August it had been necessary to supplement the service by the addition of a support officer to cope with the volume of calls on Saturday nights. The volume of calls to the Noise Patrol had exceeded expectations.

Officers updated that since the report had been prepared there had been an increase from 500 to 630 calls during the period.

Members paid tribute to the work of the Environmental Protection Manager and his team for the delivery of the service which was much appreciated by the public. They confirmed that there was a need to ensure that Officers were able to continue to deliver this valuable service as the present funding was time limited.

### Advice of the Advisory Panel

That the Advisory Panel advise the Executive Member to note the report and the additional service pressure generated by the additional demand over and above that which was anticipated and to thank Officers for their work in delivering this valuable out of hours service.

### Decision of the Executive Member

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

REASON: To update the Executive Member on the work of the Noise Patrol.

## **43. Street Environment Enforcement Policy**

The Council had signed up to the Government's Enforcement Concordat which set out what businesses and others being regulated could expect from enforcement officers. It committed the Council and their officers to good enforcement policies and procedures and could be supplemented by additional statements of enforcement policy.

The purpose of the report was to ask Members to approve the Street Environment Enforcement Policy, and associated customer contract and to note the procedures concerning enforcement of litter, graffiti, fly posting

and presentation of waste, and the enforcement provisions concerning juveniles.

It was reported that the proposed enforcement policy and practices for street environment were consistent with the policy and practices throughout the region. The policy and procedures supported the Neighbourhood Pride initiatives and also tied in with the outcomes of the Street Scene Review.

Consideration was given to the options:

### **Option 1**

To approve the proposed enforcement policy statement for street environment together with the associated customer contract as detailed in Annexes A and B, and

To note the content of the procedures detailed in Annexes C and D.

### **Option 2**

Not to approve the enforcement policy statement for street environment.

### Advice of the Advisory Panel

- i) That the Advisory Panel advise the Executive Member to approve the enforcement policy statement and associated customer contract for street environment (Annexes A and B) outlined in Option 1 of the report.
- ii) That the Advisory Panel advise the Executive Member to note the content of the enforcement procedures in relation to the Clean Neighbourhoods and Environment Act 2005 and enforcement in relation to juveniles (Annexes C and D) outlined in Option 1 of the report.

### Decision of the Executive Member

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

- REASON:
- i) This will comply with the Council's obligations in relation to when, why and how enforcement action is taken by street environment.
  - ii) These procedures follow the guidance issued by DEFRA and relate to consistency of enforcement.

CLLR WALLER  
EXECUTIVE MEMBER

CLLR LANCELOTT  
CHAIR OF ADVISORY PANEL  
The meeting started at 5.00 pm and finished at 7.00 pm.