



Notice of meeting of

Decision Session - Executive Member for Neighbourhoods

To: Councillors Reid (Executive Member)

Date: Wednesday, 24 March 2010

Time: 4.00 pm

Venue: The Guildhall, York.

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:

10am on Tuesday 23 March 2010, if an item is called in *before* a decision is taken, *or*

4pm on Friday 26 March 2010, if an item is called in *after* a decision has been taken.

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

1. Declarations of Interest

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

- 2. Minutes** (Pages 3 - 12)
To approve and sign the minutes of the meetings of the Decision Session for Neighbourhood Services on 26 January 2010 and 16 February 2010.

3. Public Participation - Decision Session

At this point in the meeting, members of the public who have registered their wish to speak at the meeting can do so. The deadline for registering is **5:00 pm on Tuesday 23 March 2010**.

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

- 4. Annual Highway Maintenance Report** (Pages 13 - 40)
This report provides a review of the service performance in highway maintenance over the last year, it examines issues arising and proposes programmes of work to be undertaken in the financial year 2010/11.

- 5. Highway Drainage - Survey and Repair** (Pages 41 - 48)
This report informs the Executive Member on the progress made in tackling highway standing water problems using the additional funding provided over the last two financial years, and the proposals for spending the £200k allocated for 2010/11.

- 6. Update of the Environmental Health, Trading Standards, Licensing Street Environment and Enforcement Services Enforcement Policy** (Pages 49 - 58)
The purpose of this report is to seek approval by the Executive Member for an updates and consolidated Enforcement Policy for City of York Council Environmental Health, Trading Standards, Licensing, Street Environment and Enforcement Services Enforcement Policy.

**7. Neighbourhoods & Community Safety (Pages 59 - 64)
Group Legal Actions.**

This report informs the Executive Member for Neighbourhoods of the results of legal actions (prosecutions, cautions and fixed penalties) undertaken by the Neighbourhoods and Community Safety area of the Directorate of Neighbourhood Services (Environmental Health, Trading Standards and Licensing) for the period 1st October 2009-31st December 2009 and to approve continuation of future enforcement action in accordance with CYC enforcement policy.

**8. Neighbourhood Services Capital (Pages 65 - 72)
Programme Monitor 3**

The purpose of this report is to inform the Executive Member for Neighbourhood Services of:

- The likely outturn position of the 2009/10 Capital Programme based on spend profile and information to December 2009;
- Any resulting changes to the programme.
- Any slippage and associated funding to be slipped between the relevant financial years to reflect this.

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

Democracy Officers:

Name: Laura Bootland

Contact Details:

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- E-mail- laura.bootland@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.

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- 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.

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Further information about what's being discussed at this meeting

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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.

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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 Decision Session) 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

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City of York Council

Committee Minutes

MEETING	DECISION SESSION - EXECUTIVE MEMBER FOR NEIGHBOURHOODS
DATE	26 JANUARY 2010
PRESENT	COUNCILLORS REID (EXECUTIVE MEMBER)

26. DECLARATIONS OF INTEREST

The Executive Member was invited to declare any personal or prejudicial interests in the business on the Agenda. None were declared.

27. MINUTES

RESOLVED: That the minutes of the Executive Member Decision Session for Neighbourhoods held on 15 December 2009 be approved as a correct record and signed by the Executive Member.

28. PUBLIC PARTICIPATION - DECISION SESSION

It was reported that Unison had submitted a late written representation in respect of Item 6, the Neighbourhood Services Budget report 2010/11.

29. ZERO WASTE PLACES

The Executive Member for Neighbourhood Services considered a report which informs on the Zero Waste Places initiative and a proposal for City of York Council to apply for accreditation to the Zero Waste Places Standard Scheme.

The concept of Zero Waste was introduced in Waste Strategy for England 2007 and is defined as being a simple way of encapsulating the aim to go as far as possible in reducing the environmental impact of waste. Places which are seen to demonstrate a significant attack on waste, including going beyond targets in the Waste Strategy for England 2007, can be accredited to Zero Waste Places. A place can be a street, a market, a retail park, high street, village, town or whole authority.

The Executive Member queried the benefits for York if accreditation to Zero Waste Places Standard were to be applied for. Officers referred to paragraph 11 of the report and advised that the main benefits would be recognition from the Government and that Zero Waste Initiative would assist in creating a sense of pride in the area or community chosen to participate.

The Executive Member agreed to approve Option 2 to apply for accreditation to the Zero Waste Places and requested that the report be referred to the Environment Partnership for comments.

- RESOLVED: (i) That the Officer recommendation to apply for accreditation to the Zero Waste Places Standard Scheme is approved.
- (ii) That the report is referred to the Environment Partnership for comment.

REASON: To maintain the momentum in the challenge to keep reducing waste by providing a framework on which we can build and focus all of our waste management projects and also establish better links with sustainable development work being undertaken in other council directorates, external organisations and community groups.

30. ANNUAL PARKING SERVICES REPORT 2008/09.

The Executive Member for Neighbourhood Services considered the 2008/09 annual parking services report.

Officers advised that the format of the report meets the required standard of the Secretary of States guidance. The report provides a record of the activities of the parking service during the 2008/2009 financial year and explains to the public how the service is managed and provides information regarding performance.

The Executive Member commented that she was pleased to see the service performing well, in particular the low number of appeals to the independent parking adjudicator and that initiatives such as park and pay by phone are proving successful.

RESOLVED: That the Executive Member for Neighbourhoods notes the report.

REASON: To keep the Executive Member informed about enforcement activities.

31. NEIGHBOURHOOD SERVICES BUDGET FOR 2010/11.

The Executive Member considered a report which presented the 2010/11 budget proposals for Neighbourhood Services including:

- The revenue budget for 2009/10 to show the existing budgets.
- The budget adjusted and rolled forward from 2009/10 into 2010/11.
- The cost of pay and price increases, increments and settlement of pay and grading appeals.
- Proposals for budget services pressure costs and savings options for the portfolio area.
- Fees and charges

The Director of Neighbourhood Services introduced the report and gave an update on the directorate's financial position and areas on which there were significant financial pressures.

The Executive Member commented that spending on front line delivery of services would be maintained and following the feedback from the residents consultation, it was noted that highway repairs should remain a priority.

The Executive Member noted the late written submission from Unison in relation to the proposed deletion of the Business Advice and Education Officer. The Director of Neighbourhood Services confirmed that consultation was still ongoing and that Unison would be involved in the process.

The Executive Member made the following recommendations to the Executive:

- RESOLVED:(i) That the Executive Member for Neighbourhoods confirms that the budget proposals are in line with the corporate priorities.
- (ii) That the report be referred to the Executive for consideration.
- (iii) That the continuing pressure on the budget due to the further £8 per tonne increase on landfill tax be noted.
- (iv) That the high priority which residents placed on road and footpath maintenance in the Budget Consultation and the extra damage caused by the extreme winter weather be noted and asks the Executive to take these factors into account when setting the budget.

- (v) To note that the continuing need for investment in surface water drainage will be subject to capital investment.
- (vi) That the late written representation from Unison be noted.

REASON: As part of the consultation on the Neighbourhood Services budget for 2010/11.

Councillor Reid, Chair

[The meeting started at 4.15 pm and finished at 4.40 pm].

MEETING	DECISION SESSION - EXECUTIVE MEMBER FOR NEIGHBOURHOODS
DATE	16 FEBRUARY 2010
PRESENT	COUNCILLORS REID (EXECUTIVE MEMBER)

32. DECLARATIONS OF INTEREST

The Executive Member was invited to declare any personal or prejudicial interests in the business on the Agenda. None were declared.

33. PUBLIC PARTICIPATION - DECISION SESSION

It was reported that there had been 1 registration to speak at the meeting under the public participation scheme. Details of the speaker are set out under the individual agenda items.

34. FINANCE AND PERFORMANCE UPDATE REPORT

The Executive Member considered a report which set out the performance position to the end of December 2009 and the finance position to the end of November 2009.

Officers reported the following:

- The Neighbourhood Services portfolio is forecasting an overspend of £359k after identification of in year savings of £200k.
- Annex A on page 29 of the agenda highlights further savings of £330k which almost recovers the £359k overspend to leave £29k.
- Other pressures such as the cost of swine flu materials are being met wherever possible by under spends.
- Further pressures identified since the work on the November accounts are winter gritting and highway maintenance due to the severe winter weather.

In relation to performance, Officers advised that 71% of the Directorate Plan actions and measures are on track and although some actions are not on track, work is being undertaken on all of the actions.

Councillor King, who had registered to speak, queried the overspend and asked for clarification on the actions highlighted in the saving target at Annex A.

The Executive Member commented that Neighbourhood Services staff are to be congratulated, particularly for the hard work undertaken to keep the streets clean and clear from snow during the recent severe weather.

RESOLVED: That the Executive Member noted the report.

REASON: In accordance with budgetary and performance monitoring procedures.

35. CONTAMINATED LAND UPDATE

The Executive Member considered a report which sought approval from the Executive Member for the adoption and publication of a contaminated land strategy. The report also provides an update on the outcome of the recent contaminated land grant applications made to the Department for Environment, Food and Rural Affairs (DEFRA). Two bids were made to DEFRA under the Capital Grant Scheme in relation to the Council's ongoing contaminated land work.

Officers advised that that Local Authorities have an obligation to assess potentially contaminated land and can apply for grants from DEFRA to undertake the necessary assessments.

Councillor King who had registered to speak, queried what would happen if a site was found to be contaminated in locations such as Chapmans and Westfield Ponds. Officers advised remedial work would be undertaken.

The Executive Member commented that it is important to have a policy which sets out for residents what action is taken over contaminated land and approved Option A.

RESOLVED: (i) That Option A be accepted to approve the updated contaminated land strategy and to undertake a review every three years.

(ii) Officers to provide the Executive Member with an update on any grants received from DEFRA.1

REASON: (i) The updated contaminated land strategy fulfils the Council's regulatory requirement to periodically review its strategy. It allows the Council to continue its programmed inspection of potentially contaminated sites and make progress on corporate priorities of a thriving, sustainable and healthy city.

(ii) To keep the Executive Member informed.

Action Required

1. Officers to provide Exec Member with further update when appropriate. LH

36. FOOD HYGIENE - 'SCORES ON THE DOORS' UPDATE.

The Executive Member considered a report which provided an update on the progress of the food hygiene 'Scores on the Doors' scheme that was launched in June 2009. The report also seeks approval from the Executive Member to continue with the York scheme pending introduction of a national scheme by the Food Standards Agency.

Officers advised that the scheme had proved popular since its inception and people are using the website to look up the ratings of establishments. The scheme is fulfilling its objectives and 48% of food premises have improved their star rating. In relation to the Food Standards Agency scheme, Officers advised they will monitor how the new scheme operates and a further report would be brought back to the Executive Member to seek approval over what direction York's scheme should take.

The Executive Member commented that she is pleased the Scores on the Doors scheme is a success and is having the desired effect and approved Option A.

RESOLVED: (i) That the Executive Member agrees to the continuation of the Scores on the Doors scheme.

(ii) That officers will evaluate a national scheme should one be launched.

REASON: Scores on the Doors has been very successful. It provides the public with easy to access information that would otherwise not be readily available. The scheme is also having a positive impact on food hygiene across the city. Adoption of a national scheme at a later date would be relatively straight forward.

37. INVESTMENT IN CONTAINMENT AND PRESENTATION - RECYCLING BOXES.

The Executive member considered a report which outlines the options for the provision of recycling boxes.

Officers advised that since the recycling service was introduced, more materials have become available for residents to recycle, and as a result there has been an increase in the number of recycling containers used by residents to store and present their recycling. The current method for storage and presentation presents problems for residents and crews and

following a comprehensive trial of recycling methods in the Groves area, it was identified that the optimum method for collection of recycling would be the use of 3 boxes.

Councillor King, who had registered to speak, commented that 1 system can not work for all areas and asked how terraced properties are supposed to store and present 3 boxes, especially terraced properties without forecourts. He felt that further consultation should be carried out in the terraced areas where recycling is yet to be introduced.

Officers confirmed that the 3 box system would apply to areas which already have recycling collections and that consultation would still take place in terraced areas yet to be included to identify the best system for each area.

Officers also responded to a written statement and photographs which had been submitted by Mr. Lankester, a resident in the Groves. He had raised concerns regarding the visual impact of the recycling boxes and wheeled bins which are left untidily in the front forecourts of properties. Officers advised that the properties which are causing concern are mainly student properties. Officers are aware of the problem and are working with both of the Universities and with student landlords in an attempt to engage with students to encourage them to take recycling boxes and wheeled bins in. Officers advised that they would be happy to liaise with Mr. Lankester to identify the problem properties. The Executive Member queried whether enforcement action can be taken against such properties. Officers advised that the problem would need to be very severe to go down that route, and at present it is not severe enough.

The Executive Member accepted and approved the move towards a 3 box system but noted that consultation would still be required in terraced areas. The Executive Member noted Mr. Lankester's comments and requested that Officers liaise with him to resolve any further issues that he may have.

- RESOLVED:
- (i) That the Executive Member approves Option 2, the move to providing 3 boxes with lids and/or net covers to residents where practical.
 - (ii) That the Executive Member notes that consultation will still be carried out in terraced areas.
 - (iii) That the comments from Mr. Lankester be noted, along with the work Officers are undertaking with the Universities and Landlords to encourage students to be aware of the waste disposal guidance.
 - (iv) That Officers liaise with Mr. Lankester to identify problem properties.¹

REASON: In order that York can continue to provide first class recycling facilities for its residents and ensure that the collection service operates as efficiently and effectively as is possible.

Action Required

1. Officers to contact Mr. Lankester.

GD

Councillor Reid, Chair

[The meeting started at 4.00 pm and finished at 4.55 pm].

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Executive Member for Neighbourhood Services – Decision Session

24 March 2010

Report of the Director of Neighbourhood Services

Annual Highway Maintenance Report

Summary

1. This report provides a review of the service performance in highway maintenance over the last year, it examines issues arising and proposes programmes of work to be undertaken in the financial year 2010/11.

Background

2. The highway maintenance service covers a wide range of activities. It is delivered by a number of in-house teams, working in conjunction with external service providers. The Highway Maintenance Services (HMS) team in Neighbourhood Services (NS) has overall management responsibilities for the highway assets, it determines works programmes for Members to consider and arranges for smaller scale routine maintenance works to be carried out on a priority basis. The Civil's team in HMS carries out most of this maintenance activity, other than street lighting, where Amey is used. Bus shelter cleaning and maintenance is carried out by Stoneplan.
3. Larger LTP/CYC capital and revenue schemes along with highway related Ward Committee schemes, are designed and managed by the Design team in HMS. Tarmac is the principal contractor, although some of the smaller works may be carried out by the Civil's team within HMS. The Engineering Consultancy manages the Council's bridges assets on behalf of HMS and assists with land drainage issues affecting the highway.
4. Neighbourhood Services, Street Scene team act as the corporate manager for grass cutting across the council and for amenity and landscaped areas requiring maintenance.
5. Following a report to Staffing and Urgency Committee in December 2008 the previous Highways Infrastructure, Consultancy Design and the Neighbourhood Services Civil Engineering teams were merged into HMS successfully in April 2009. A review of the staffing structure within HMS has been completed but its implementation has been delayed and will be coordinated within the More for York programme.

Review of 2009/10

6. This review is split into two parts, dealing with 'Performance' and 'Issues Arising'.

Performance

Adoptions

- 7 Over the past year the highway network has increased by 2.5 kilometres of carriageway and 4.8 kilometres of footway due to adoptions and new development.

Customer Satisfaction

8. The latest Talk about Panel Questionnaires, dated July 2008 and October 2009, produced the following results:

Item	Level of Satisfaction July 2008	Level of Satisfaction October 2009	Level of Dissatisfaction July 2008	Level of Dissatisfaction October 2009
Condition of pavements	49%	50%	16%	18%
Condition of roads	51%	50%	20%	23%
Reliability of street lights	77%	71%	8%	6%
Drainage of water from footpaths and roads	48%	50%	23%	22%
Condition of grass verges	56%	61%	15%	10%
Clarity of street name plates and street markings	70%	66%	11%	10%
Condition of street furniture	68%	63%	10%	6%

9. The annual Residents Opinion Survey has been replaced by the Place Survey, which does not include the question concerning the overall condition of roads and pavements. A replacement question has been included in the Talk about survey, with the following results:

	07/08 outturn	08/09 outturn	09/10 outturn
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Satisfaction with roads and pavements	50%	50%	50%
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Drainage

10. Drainage of water from footpaths and roads continues to show one of the highest level of customer dissatisfaction within the highway maintenance service.
11. Members allocated a sum of £200k for high priority drainage repair works in 2008/9 and 2009/10. This has enabled a number of long standing problems to be addressed although the level of customer dissatisfaction remains high. Investigations are ongoing in several areas and at the time of writing this report it is anticipated that the same funding will be available for 2010/11.
12. At the time of writing the programme of scheduled gully cleans is on target for completion of all wards by the end of March.

Street Lighting

13. Night Time repairs in February 2008 were introduced as a trial to improve the BVPI215a figures and bring repairs within the target of two calendar days. This trial has become a permanent element of the contract due to its noticeable success. The current improved figures are shown below: -

Ref Month	Repair Calendar Days AVG	Repair Working Days AVG
April 2009	0.11	0.09
May 2009	0.22	0.21
June 2009	0.17	0.15
July 2009	0.24	0.22
Aug 2009	0.18	0.15
Sept 2009	0.16	0.14
Oct 2009	0.21	0.14
Nov 2009	0.51	0.44
Dec 2009	0.70	0.51
Jan 2010	0.54	0.45
Feb 2010	0.23	0.20
Year 2009/10	Average 0.31(0.31)	Average 0.25(0.25)

The average repair times for 2009/10 are similar to those in 2008/9, shown in brackets and indicate a response of less than one day.

14. The current contract is delivering attendance times of less than half a day for attending reported faults.
15. Street Lighting is currently undertaking a number of trials in to new and renewable technologies. Primary trials are being made into LED's and Solar power with positive feedback being received. Other works have been undertake to reduce carbon, primarily over 1000 mercury lanterns have been replaced with efficient fluorescent lanterns saving 120 tonnes of carbon.

R&R Works

16. The programmes of footway schemes carried out by HMS started early in the financial year and particularly good progress has been made and all works is anticipated to be completed by 31 March 2010.
17. The Footway Slurry Seal programme for 2009/10 has been completed to a very good standard.
18. The Surface Dressing programme ran very well with both the pre patching and the dressing being to a good standard. Following the extreme weather conditions in December and January there have been two sites where the surface dressing has failed. These were Moorlands Road, Skelton and Common Road, Dunnington The work is covered by a two year warranty and the remedial works will be undertaken in 2010 at no cost to the Council.
19. A trial overlay scheme on a concrete carriageway was carried out on Chapelfields Road between Barkston Avenue and Barkston Road. The process involves the overlay of the concrete with a open textured asphalt layer which is then grouted with a bituminous emulsion. Initial results are encouraging and if successful will be used to repair other concrete roads in the 2010/11 programme.
20. The carriageway resurfacing program is on target for completion with the majority of the schemes completed. Due to factors beyond HMS control there are three schemes to carry over into next financial year, while three schemes was brought forward.
21. The three schemes to carry over into 2010/11 are Boroughbridge Road/Poppleton Road, Haxby Road (part) and East Parade. The Boroughbridge Road scheme was delayed due to works required to the junction with Water End as part of the Access York project which is dependant on central government support for the construction of a park and ride on the A59 at Poppleton. The Haxby Road scheme has been carried over as a result of relevelment work at the Joseph Rowntree School site. Yorkshire Water sewage works has deferred the works on East Parade until 2010/11.
22. Crichton Avenue, Skeldergate Bridge and A59 Harrogate Road were the three schemes taken from the approved reserve list to balance the 2009/10 structural maintenance and the extra £1million maintenance revenue budgets. Crichton Avenue surfacing works was brought forward to coincide with a cycling scheme on the same street. The cycling scheme on Crichton Avenue formed an integral part of the Orbital Cycling Route within York and is part funded by a National Cycling City award received by the council.

Basic Maintenance

23. The 'area working' system operates well to ensure that there is greater coordination of works instructions. Additional funding of one gang over the year has improved performance across all the indicators for work orders being carried out at 1 day, 3 day and 20 day timescales.
24. The merger of Highway Infrastructure and Civil's teams to create HMS has resulted in a noticeable improvement in the system of work in carrying out

basic maintenance activities. This is reinforced by the performance indicators, as all three of the aforementioned are currently ahead of target.

25. Inspection works carried out by the Safety Inspectors has again demonstrated the effectiveness of this service through the continued high repudiation rate with regard to third party public liability claims. Information over the last 8 years is shown in the table below.

Year	Total Number of Claims	Claims Closed	Claims settled at Zero Cost	Claims Open	Repudiation Rate
2002/03	258	257	215	1	84%
2003/04	199	194	167	5	86%
2004/05	198	192	165	6	86%
2005/06	155	141	129	14	91%
2006/07	132	110	98	22	89%
2007/08	126	113	103	13	91%
2008/09	142	98	95	44	97%
2009/10	129 to date	20	20	109	100%

Asset Management

26. The Department of Transport (DfT) are encouraging authorities' to adopt a Transport Asset Management Plan (TAMP) approach to maintenance and have nationally made available a fund of £32 million of which £105,000 was granted to the City of York council.
27. The funding has been used for updating the highway asset records including traffic signals, drainage, remote footways and the detrunked network. A contribution was given to the Network Management team in their work to publish a public right of way Definitive Map for the City of York Council area.

Improvements in data collection

28. Hand held devices are being used for the monthly walked and driven surveys.
29. The advantage of the new process is that the safety inspection defects are stored electronically instead of a paper system. This leads to greater efficiency in the storing and recording of data and improves the management of the survey process. The defects are spatially recorded and can be displayed in a GIS layer that can be seen by both the call centre and NS.
30. Discussions are in place within NS and More4York in the development of Exor to improve the management of the gangs that repair defects instructed by the inspector. The use of GIS will highlight different types of defects that relate to specific gang work type and display them on a map. Work plans and gang management can be made more efficient when location of repairs can be easily displayed.

Bridges

31. Minor repairs funded by the revenue budget have been carried out to various smaller bridges and Melrosegate Bridge has been repaired and refurbished from the authority's capital funding. The programme of General Inspections continues to provide an overview of the condition of the bridge stock and an accelerated programme of more detailed Principal Inspections (PIs) is progressing on the more major bridges. By the end of this year 9 more PIs will be complete, providing detailed information to enable the planning of a future works programme.
32. Network Rail are currently reassessing the strength of St Helens Road Bridge to establish the nature and extent of remedial works that are required, and the Council's liability for funding them. The Council has made a contribution of £15,000 towards the assessment in this financial year funded by the LTP. When the outcome is known Network Rail will progress a design and will then be able to quantify the Council's contribution to the works.

Winter Maintenance

33. At the end of February there have been a total of 127 occasions where precautionary salting of the road network was necessary and 39 precautionary salting of the footway network in comparison to 69 and 16 respectively for the whole of the previous year. On top of this further ad-hoc footway treatments were undertaken over a period of 20 days. During the wintry conditions the Emergency Control room was not in operation however daily coordination meetings between HMS, Emergency Planning Unit and the press Office were scheduled. In addition to the coordination meetings the Council website was updated daily on the winter maintenance activities. It is estimated that there will be a large overspend on this budget at the end of the winter period.
34. In preparation for the 2009/10 winter period NS purchased two new gritting vehicles and ploughs. All gritting vehicles now have telemetry, which in "real time" gives their location, direction of travel, speed, date and time, all of which is collected and recorded. A malfunction sensor lets the driver know if salt is not being spread, information on the spread rate and spread pattern of the de-icing agent (e.g., g/m² and spreading one lane to left and two lanes to right) is recorded in "real time" and this information gives far more certainty that the de-icing agent is being applied correctly and also assists with our defense of third party claims.
35. The winter maintenance policy will undergo a full review of the activities associated with the Council's duties with a report being produced early this summer. The review will involve all the Council's services that are affected by wintry conditions to produce a coordinated winter maintenance response.

Grass and Tree Maintenance

36. Grass cutting has gone well this year considering another wet season we have had, with 13 of the 14 cuts being carried out. The remaining cut, weather and ground conditions permitting will be carried out in March in order that the grass will remain safe and tidy at the start of the growing season.

37. Generally everything has gone well with tree maintenance and no serious accidents have occurred as a result of tree failures. Two mature trees have been felled due to impending subsidence claims. Tree diseases are increasing year on year possibly due to global warming and as such we have lost a lot of trees due to this along with mower damage and drought. As such Tree replacement planting is currently underway and should be finished by March.
38. One quarter of the highway trees have been inspected for safety as they are checked on a 4 yearly cycle. The trees surveyed and recorded on the Arboricultural Officers Database have now been successfully plotted as a layer on our York map program to enable all staff to check tree positions and species on sites.

Issues Arising

River Flooding and Warping

39. The River Ouse floods and the costs of the required warping to clean the riverside footpaths are not fully known as some work is still outstanding, however, it is expected that the £35k budget will now be fully committed. This will not be a problem providing there is no further flooding in March. This budget will continue to be kept under review to see if the wetter winters need to be reflected with an increase in the warping budget.

Street Lighting

40. The Street Lighting contract currently with Amey Infrastructure Services (AIS) has been extended a further three years from 1 April 2010. The negotiation of the extension involved the Council's procurement team and head of service. Efficiency savings were identified with the contractor and one of the consequences is that from the 1 March 2010 AIS are cohabitating with HMS at the Council's EcoDepot at Hazel Court.

Energy Supply

41. The current energy supply contract for street lighting and illuminated signs is arranged through the YPO consortium of local authorities and the energy is provided from high quality combined heat and power sources. This has contributed towards improved financial and environmental arrangements. The present arrangements will come to an end in October 2010 and will followed by a flexible energy purchasing process.
42. The supply of energy from renewable sources is in greater demand than can be supplied, however, in line with the Executive approval of the Sustainable Street Lighting Scrutiny Sub-Committee recommendation, the aim will be to include within any supply contract upwards of 20% renewable sourcing to be increased to a target of 100%. It seems likely that all the energy to be purchased under the forthcoming arrangements will be classed as 'green' without any climate change levy provision from good quality combined heat and power sources.

Un-metered Supply Arrangements

43. The Executive agreed with the Sustainable Street Lighting Scrutiny Sub-Committee recommendation that we should continue to review the use of the un-metered electricity supply arrangements compared to other tariffs. There was also a commitment to switch to a metered supply once the OFGEM working group has created an agreed system that enables remote monitoring to be used as a virtual meter and once this is affordable in whole life terms. The situation has improved recently with a number of monitoring systems gaining initial OFGEM approval for metering purposes and these systems are being looked at for cost effectiveness and viability within the City of York Council.

Structurally Unsound Columns

44. Following improvements within the Street Lighting contract, planned structural testing of steel columns continues within the City. The results of this combined with visual inspections of concrete columns has shown a large number of units either in need of replacement immediately or within the next three years. Due to the limited capital budgets available the replacement of unsound columns continues to put huge pressure on the street lighting revenue budgets (maintenance) and will continue to do so for a number of years.

Performance Indicators

45. The new performance framework for local authorities has produced a single set of national indicators and those impacting on the services in highway infrastructure are:
- NI 168 – principal roads where maintenance should be considered (using the machine based SCANNER technique)
 - NI 169 – non-principal roads where maintenance should be considered (again using SCANNER)
46. Both of these indicators are linked into the DfT Departmental Strategic Objective to sustain economic growth and improved productivity through reliable and efficient transport networks.
47. CPA calculations for the year 2008/9 use BVPI 224b (unclassified road conditions) and BVPI 187 (footway conditions). The CPA has been replaced by the Comprehensive Area Assessment (CAA) from April 2009. The emphasis on the highways elements will be on asset management and the evidence of outcomes and achievements.

Traffic Management Act (TMA)

48. A large impact of the TMA is that there will be much greater numbers of notifications of highway work. This does not particularly affect the utilities but it has a much greater impact on the highway maintenance works carried out

by NS. The development of Exor has taken place to deal with this increase in notification, including the updating of the Streetworks Gazetteer. Officers in City Strategy and NS are working to minimize this additional workload but it is too soon to know exactly how well this will be achieved.

Term Contract for Highway Surfacing

49. In order to implement the Structural Maintenance Programme for the financial year 2010/11 the Council's procurement team extended the existing contract for a further 12 months from 1st April 2010. The negotiation with the contractor identified efficiency savings that will contribute to the More for York programme.
50. The Contract rates for the period of the extension will be subject to a Contract Price Fluctuation Clause using the price adjustment formulae for construction contracts.
51. The contractor has delivered the resurfacing and reconstruction programme to a high standard and within prescribed timescales and budgets.

Procurement of Future Contract for Highway Surfacing

52. The procurement team are currently investigating the proposal of an alliance with neighbouring authorities in a view to entering into framework contracts for the undertaking of highway surfacing and other HMS work streams.

Proposals for 2010/11

Budgets and Works Programme Proposals for 2010/11

Highway Maintenance Budgets 2010/11

53. Details of the highway maintenance budgets, including an analysis of the variations on budget provisions 2009/10 to 2010/11 are shown in Annexes 1 and 2.
54. Excluding one-off items of growth, revenue budgets have remained the same as 2009/10 with no growth or inflation increases. CYC capital funding has remained the same for highways with a £100k and £25k increases for street lighting and bridges respectively. The LTP structural maintenance allocation increases by £123k but with the Moor Lane payback finished in 2009/10 and the reduced de-trunking settlement for 2010/11 there is a overall budget reduction of £242k some 2.5%.

Highway Programmes for 2010/11

55. As explained in the report to the Executive Member Decision Session on 17 November 2009 on the Advanced Design of Programmes, full detail of the proposed programmes of work forms part of this report. The detailed

programmes are attached in Annexes 3 to 5 covering carriageway, footway, street lighting, drainage and bridge works funded by revenue and CYC/LTP capital. Specific comments about programmes and proposals are included in the following section of this report, covering the various elements of the service.

56. A reserve list of schemes can be found in annex 6 for approval. The schemes on the list will be undertaken if funds are available from savings in the programme detailed in annexes 3 to 5. Those schemes on the reserve list that are not undertaken in 2010/11 will form part of the 2011/12 programme.

Carriageway Maintenance - Surfaces Proposals

57. The surface dressing, slurry sealing and other budgets have remained similar to last year's allocation.

Footway Maintenance – Surfaces Proposals

58. The footway maintenance budgets are to be the same as last year.

Safety and Enforcement

59. The budget for the repair of Anti-Skid surfacing has been increased to £30k. This is a budget pressure that will increase in years to come as more material is laid as a surface colouring rather than for its anti-skid properties. The £80k budget for the principal bridge inspection programme will continue into 2010/11. All other budget allocations remain similar to those set in 2009/10

Amenity Maintenance

60. The amenity maintenance budgets are to be the same as last year.

Winter Maintenance

61. The winter of 2009/10 has again been an exceptional occurrence and the cost of the winter maintenance activity has exceeded the revenue budget allocation for a second year. It is anticipated that York may encounter further severe winters in the future, with snow becoming a more regular occurrence due to climate change. The winter maintenance budget will be reassessed as part of the policy review.

Street Lighting

62. The energy budget was increased last year to reflect the new energy procurement arrangements and will remain static this year. A further £30k has been allocated to replace street lighting column identified by structural testing.

General Maintenance

63. The day-to-day pressure on the basic maintenance budget resulted in monies from the revenue scheme allocation being used to fund additional basic maintenance gangs in 2009/10. This has proved very successful and it is

proposed to continue the funding during 2010/11. All other budgets have remained similar to last year's allocations.

Street Maintenance

64. The street maintenance budget is to be similar to last year.

Highway Asset Management

65. The highway asset management budget is to be the same as last year.

Capital Structural Maintenance

66. In overall terms the budgets for 2010/11 shows a £248k increase with the exception of the de-trunking settlement from the DfT. The de-trunk settlement is for drainage and carriageway surfacing works to the A19 from the A64 south to the Council's boundary. This year's final allocation of £830k compares with the previous years settlement of £1320k.
67. At the full Council meeting on 25 February 2010 member approved the budget for 2010/11 an additional £1 million of capital has been allocated for highway maintenance repairs. A list of identified structural maintenance schemes can be found in annex 7 of this report.

Consultation

67. Due to the nature of this report no consultation has been undertaken.

Corporate Priorities

68. Through the proposed measures Neighbourhood Services supports delivery of the Thriving City, Sustainable City, Safer City, Inclusive City and Effective Organisation themes from the corporate strategy.

Implications

Financial Implications

69. The financial issues are discussed throughout the report and the way in which it is proposed to allocate revenue, capital and LTP funding is shown in Annexes 1 to 6. The highway maintenance service will be provided in accordance with the prescribed budgets and there are no financial implications.

Human Resources (HR) and other implications

70. There are no HR implications identified in this report although NS flag up the potential implications should their workloads be altered to such an extent that

there is insufficient work for the current size of the workforce. The proposals in this report should not have any impact on NS that cannot be accommodated.

Equalities

71. This report has taken into consideration the impact of the Council's Equality Strategy when recommending the proposed budget allocation and highway maintenance operations.

Legal

72. The Council has a statutory duty to carry out highway maintenance under Section 41 of the Highways Act 1980 and this report sets out the proposals and budgets to allow this to happen in the forthcoming financial year.

Crime and Disorder

73. There are no crime and disorder issues.

Information Technology (IT)

74. There are no IT implications in this report.

Property

75. There are no property implications.

Other

76. There are no other implications in this report.

Risk Management

77. In compliance with the Council's risk management strategy, the main risks that have been identified in this report are:
 - Strategic Risks, arising from judgements in relation to medium term goals for the service
 - Physical Risks, arising from potential underinvestment in assets
 - Financial Risks, from pressures on budgets
 - People Risks, affecting staff if budgets decline
78. Measured in terms of impact and likelihood the risk score for all of the above has been assessed at less than 16. This means that at this point the risks need only to be monitored, as they do not provide a real threat to the achievement of the objectives of this report.

Recommendations

79. The Executive Member is recommended to:

- (i) Note the performance and success in 2009/10
- (ii) Note the issues arising in 2009/10
- (iii) Approve the allocation of budgets for 2010/11
- (iv) Approve the implementation of the proposed programme
- (v) Approve the reserve list of schemes
- (vi) Approve the additional £1million capital scheme programme

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

Contact Details

Author:

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Chief Officer responsible for the report:

Sally Burns
Director of Neighbourhood Services

Report
Approved

Date: 10/03/2010

Wards Affected: All.

For further information please contact the author of the report.

Background Papers:

Annexes:

Annex 1 – Summary of Budgets and Annexes

Annex 2 – Highway Maintenance Revenue Budgets

Annex 3 – City of York Council Revenue Programme

Annex 4 – City of York Council Structural Maintenance Programme

Annex 5 – LTP Structural Maintenance Programme

Annex 6 – Reserve List of Schemes

Annex7 - City of York Council Additional £1million Capital Scheme Programme
2010/11

1 March 2010
/Comm/240310 – Annual Highway Maintenance Report

SUMMARY OF BUDGETS AND ANNEXES

Annex Description	Comment	£k
Annex 1 <ul style="list-style-type: none"> Summary of budgets and annexes Variations on budgets 2008/09 to 2009/10 	Total highway maintenance budget	<u>9172.40</u>
Annex 2 - Revenue Totals <ul style="list-style-type: none"> Revenue budgets, inclusive of £241k of programmed schemes in Annex 3 	Total revenue	5087.40 <u>5087.40</u>
Annex 3 – Revenue Programmes <ul style="list-style-type: none"> Revenue footway slurry sealing programme Revenue carriageway surface dressing programme 	Total revenue programmed schemes (included in Annex 2 total)	67.00 174.00 <u>241.00</u>
Annex 4 – CYC Capital for structural maintenance <ul style="list-style-type: none"> Capital footway programme Capital drainage programme Capital bridge programme Capital street lighting programme Capital footway slurry sealing programme 	Total CYC capital	1168.75 35.25 200.00 200.00 46.00 <u>1650.00</u>
Annex 5 – LTP structural maintenance <ul style="list-style-type: none"> LTP principal roads programme LTP non principal roads programme LTP local roads programme LTP minor urban carriageway surfacing programme LTP minor urban footway surfacing programme LTP surface dressing programme LTP de-trunked network programme Street lighting replacements 	Total LTP structural maint.	333.50 603.00 353.00 55.50 110.00 65.00 830.00 85.00 <u>2435.00</u>

ANNEX 1 continued

ANALYSIS OF VARIATIONS ON HIGHWAYS MAINTENANCE BUDGET PROVISIONS 2009/10 TO 2010/11

	C'Way	Footway	Safety	Amenity	Winter	Street	General	Street	Highway	Sub Total	Struct Mtce				TOTAL £'000
	Maint £'000	Maint £'000	Maint £'000	Maint £'000	Maint £'000	Lighting £'000	Maint £'000	Maint £'000	Mgt £'000	Revenue £'000	CYC £'000	St Lght £'000	Bridges £'000	LTP £'000	
a) 2009/10 Original Budget	340.0	162.0	504.2	530.0	514.0	1447.7	1643.0	83.5	63.0	5287.4	1,250.0	100.0	175.0	3243.0	10055.4
b) In year issues															
i) Exclude one-off budget growth 2009/10							-200.0							-441.0	-641.0
Inflated Budget	340.0	162.0	504.2	530.0	514.0	1447.7	1443.0	83.5	63.0	5087.4	1,250.0	100.0	175.0	2802.0	9414.4
d) <u>Growth Proposals</u>															
Sub Total Growth	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
d) <u>Proposed Savings</u>															
Sub Total Savings	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
e) <u>Other adjustments</u>															
i) LTP Revised Sum														123.0	123.0
ii) Bridge Maintenance CRAM													25.0		25.0
iii) Revised De-trunked Roads funding														-490.0	-490.0
iv) Street Lighting CRAM												100.0			100.0
Sub Total Other Adjs	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	25.0	-367.0	-242.0
Proposed Budget 2010/11	340.0	162.0	504.2	530.0	514.0	1447.7	1443.0	83.5	63.0	5087.4	1250.0	200.0	200.0	2435.0	9172.4

ANNEX 2

HIGHWAY MAINTENANCE REVENUE BUDGETS

	2009/10 Budget £k	2010/11 Budget £k
<u>Carriageway Maintenance</u>		
Surface Dressing (see Annex 3)	174.0	174.0
Major Wearing Course Repairs	115.0	115.0
Concrete Road Repairs	21.0	21.0
Maintenance of Back Lanes	30.0	30.0
	340.0	340.0
<u>Footway Maintenance</u>		
Footway Slurry Sealing (see Annex 3)	67.0	67.0
Central Area Works	53.0	53.0
Footway Contingencies	42.0	42.0
	162.0	162.0
<u>Safety and Enforcement</u>		
Anti-Skid Repairs	12.0	30.0
Cushion Repairs	22.0	22.0
Traffic Signs	36.0	33.0
Safety Fencing	30.0	28.0
Illuminated Signs & Bollards	133.0	131.0
Road Markings	92.2	90.2
Bridges (routine maintenance)	93.0	90.0
Millennium Bridge	6.0	0.0
Bridge Inspections	80.0	80.0
	504.2	504.2
<u>Amenity Maintenance</u>		
Trees	36.0	36.0
Verges	6.0	6.0
Grass Cutting	213.0	213.0
Gully Cleaning – routine and reactive	258.0	258.0
Amenity Areas / Roundabouts	17.0	17.0
	530.0	530.0

ANNEX 2 (Continued)

Winter Maintenance

Winter Maintenance

	2009/10 Budget £k	2010/11 Budget £k
	514.0	514.0
	587.2	587.2
	860.5	860.5
	1447.7	1447.7
	17.0	17.0
	22.0	22.0
	39.0	39.0
	156.0	156.0
	1190.0	1190.0
	19.0	19.0
	1443.0	1443.0
	11.2	11.2
	17.0	17.0
	55.3	55.3
	83.5	83.5
	41.0	40.0
	22.0	23.0
	63.0	63.0
	5087.4	5087.4
	5087.4	5087.4

General Maintenance

Prelims

Emergencies

Warping

Drainage

Area Working – Carriageway/Footway patching and Non-Lit

Bollards

Cycle Paths

Street Maintenance

Street Furniture

Street Nameplates

Bus Shelters

Highways Asset Management

Highways Mgt System

Condition Testing

Total Revenue Maintenance in base budget**Overall Total for Revenue**

**CITY OF YORK COUNCIL REVENUE FOOTWAY SLURRY SEALING PROGRAMME
2010/11**

Allocation £67,000

	Road	Ward	Estimate
1.	Manor Drive South	Acomb	£500
2.	Deepdale	Dringhouses & Woodthorpe	£1,750
3.	Longridge Lane(part), Upper Poppleton	Rural West York	£2,500
4.	Stirling Road	Skelton, Rawcliffe & Clifton Without	£11,000
5.	Pear Tree Lane, Dunnington	Derwent	£1,250
6.	Tithe Close	Westfield	£1,250
7.	Parker Avenue	Westfield	£2,000
8.	Sandy Lane, Stockton on the Forest	Strensall	£9,500
9.	Hotham Avenue	Westfield	£3,000
10.	Second Avenue	Heworth	£1,500
11.	Westfield lane, Upper Poppleton	Rural West York	£1,000
12.	Ryecroft Avenue(part)	Dringhouses & Woodthorpe	£10,000
13.	Dikelands Lane, Upper Poppleton	Rural West York	£7,000
14.	Roper Court, Copmanthorpe	Rural West York	£1,750
15.	Vavasour Court, Copmanthorpe	Rural West York	£1,250
16.	Bannisdale	Dringhouses & Woodthorpe	£1,000
17.	Bramble Dene	Dringhouses & Woodthorpe	£6,750
18.	Troutbeck	Dringhouses & Woodthorpe	£1,000
19.	St Edwards Close	Dringhouses & Woodthorpe	£1,250
20.	Beech Way, Upper Poppleton	Rural West York	£1,750
		Total	<u>£67,000</u>

ANNEX 3 continued

CITY OF YORK COUNCIL REVENUE SURFACE DRESSING PROGRAMME 2010/11

Allocation £174,000

	Road	Ward	Estimate
1.	Main Street, Askham Bryan	Rural West York	£25,750
2.	Wheldrake Lane, Elvington	Wheldrake	£31,000
3.	Station Road, Copmanthorpe	Rural West York	£10,500
4.	School Lane, Askham Richard	Rural West York	£10,000
5.	Straight Lane/Main Street, Holtby	Derwent	£16,250
6.	Briar Avenue	Acomb	£5,000
7.	Highthorn Road	Huntington & New Earswick	£6,250
8.	Usher Lane	Haxby & Wigginton	£24,250
9.	Flaxton Road	Strensall	£18,500
10.	Westfield Lane	Haxby & Wigginton	£8,250
11.	Green Dike	Haxby & Wigginton	£18,250

Total	£174,000
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Total City of York Council Revenue Programmes**£241,000**

CITY OF YORK COUNCIL STRUCTURAL MAINTENANCE PROGRAMMES

City of York Council Capital Footway Programme 2010/11

Allocation £1,168,750

	Road	Ward	Estimate
	2009/10 Reserve Schemes		
1.	Burton Avenue	Clifton	£32,250
2.	Greenshaw Drive	Haxby & Wigginton	£22,500
3.	Second Avenue	Heworth	£36,000
4.	Main Street, Elvington	Wheldrake	£24,000
5.	North Lane	Huntington & New Earswick	£54,000
6.	Smeaton Grove	Acomb	£21,000
7.	Linton Road, Nether Poppleton	Rural West York	£29,000
	2010/11 Schemes		
8.	Museum Street/Lendal Bridge(part), City Wall side	Micklegate	£14,000
9.	Ridgeway(part)	Westfield	£111,500
10.	Northfields Cul-de-sac (No's 1-24)	Strensall	£39,250
11.	Leeside(part)	Dringhouses & Woodthorpe	£42,500
12.	Friars Walk	Heworth	£51,500
13.	George Cayley Drive(part), Clifton Without	Skelton, Rawcliffe & Clifton Without	£32,750
14.	Amy Johnson Way, Clifton Without	Skelton, Rawcliffe & Clifton Without	£98,500
15.	Swinerton Avenue	Holgate	£28,000
16.	Swale Avenue	Dringhouses & Woodthorpe	£120,750
17.	Burnholme Drive(part)	Heworth	£56,250
18.	Bad Bargain lane(part)	Heworth	£27,500
19.	Pavement(part)	Guildhall	£18,500
20.	High Ousegate	Guildhall	£18,500
21.	Hospital Fields Road	Fishergate	£65,000
22.	Devon Place	Fishergate	£18,000
23.	Ambleside Avenue	Hull Road	£67,500
24.	Temple Avenue	Hull Road	£84,000
25.	Queenswood Grove(part)	Westfield	£12,000
26.	Hawthorn Terrace(part)	Huntington & New Earswick	£15,000
27.	Nunthorpe Road/Moss Street	Micklegate	£29,000
		Total	£1,168,750

ANNEX 4 continued

CITY OF YORK COUNCIL DRAINAGE CAPITAL PROGRAMME 2010/11

Road	Ward	Estimate
Various Issues	Various	£35,250
		Total
		£35,250

CITY OF YORK COUNCIL CAPITAL BRIDGE PROGRAMME 2010/11

Road	Ward	Estimate
Lendal bridge	Guildhall/Micklegate	£200,000
		Total
		£200,000

CITY OF YORK COUNCIL CAPITAL STREET LIGHTING PROGRAMME 2010/11

Road	Ward	Estimate
Various Locations	Various	£200,000
		Total
		£200,000

CITY OF YORK COUNCIL FOOTWAY CAPITAL SLURRY SEALING PROGRAMME 2010/11

	Road	Ward	Estimate
1.	Carr Lane(part)	Acomb	£8,500
2.	Clarence Street	Guildhall	£5,000
3.	University Road	Heslington	£3,500
4.	Green Dykes Lane(part)	Fishergate	£4,500
5.	Straight lane/Main Street, Holtby	Derwent	£2,000
6.	The Old Orchard	Fulford	£1,000
7.	Shipton Road, Skelton	Skelton, Rawcliffe & Clifton Without	£5,500
8.	Boroughbridge Road(part), Upper Poppleton	Rural West York	£5,500
9.	Church Lane(part)	Wheldrake	£3,000
10.	Wetherby Road(part), Knapton	Rural West York	£3,000
11.	Dalton Hill	Wheldrake	£3,000
12.	School Lane, Askham Richard	Rural West York	£1,500
			Total
			£46,000

Total City of York Council Structural Maintenance

£1,650,000

LTP STRUCTURAL MAINTENANCE PROGRAMMES**LTP Principal Roads Programme 2010/11**

	Road	Ward	Estimate
1.	Hull Road(part), Dunnington	Derwent	£121,000
2.	Boroughbridge Road/Poppleton Road(part), carry over scheme from 2009/10	Holgate	£150,000
3.	Tadcaster Road/St Helens Road Junction	Dringhouses & Woodthorpe	£62,500
		Total	<u>£333,500</u>

LTP Non Principal Roads Programme 2010/11

	Road.	Ward	Estimate
	2009/10 Reserve Schemes		
1.	Haxby Road(part)	Clifton	£127,500
2.	Haleys Terrace	Clifton	£82,000
	2010/11 Schemes		
3.	Clifton Moorgate(part), Rawcliffe	Skelton, Rawcliffe & Clifton Without	£108,500
4.	Livingstone Street	Holgate	£32,000
5.	East Parade, carry over scheme from 2009/10	Heworth	£103,000
6.	Haxby Road(part), carry over scheme from 2009/10	Huntington & New Earswick	£150,000
		Total	<u>£603,000</u>

LTP Local Roads Programme 2010/11

	Road	Ward	Estimate
	2009/10 Reserve Schemes		
1.	Westfield Lane	Haxby & Wigginton	£42,000
	2010/11 Schemes		
2.	Oak Tree Lane/Briergate	Haxby & Wigginton	£67,000
3.	Hamilton Drive/Tudor Road Rbt	Westfield	£49,000
4.	Chantry Gap, Upper Poppleton	Rural West York	£66,000
5.	Cotswold Way	Huntington & New Earswick	£35,000
6.	Eason View	Dringhouses & Woodthorpe	£94,000
		Total	<u>£353,000</u>

ANNEX 5 continued

LTP Minor Urban Surfacing Programme 2010/11

	Carriageway 2009/10 Reserve Schemes	Ward	Estimate
1.	Saxford Way	Haxby & Wigginton	£17,000
2.	George Street	Guildhall	£38,500
		Total	<hr/> £55,500

	Footway	Ward	Estimate
1.	New Lane	Huntington & New Earswick	£30,000
2.	New Lane	Holgate	£80,000
		Total	<hr/> £110,000

LTP Surface Dressing Programme 2010/11

	Carriageway 2009/10 Reserve Schemes	Ward	Estimate
1.	Bad Bargain Lane	Osboldwick	£30,000
2.	Crossmoor Lane	Haxby & Wigginton	£35,000
		Total	<hr/> £65,000

LTP Street Lighting for 2010/11

Street Lighting (structural maintenance and replacement)	£85,000
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LTP De-trunked Network Programme for 2010/11

Road	Ward	Estimate
A19(South) A64 to Boundary	Fulford & Wheldrake	£830,000

Total LTP Structural Maintenance **£2,435,000**

CITY OF YORK COUNCIL RESERVE LIST OF PROGRAMMES 2010/11

Carriageway

	Road	Ward	Estimate
1.	Boroughbridge Road(part)	Acomb	£162,000
2.	Brockfield Park Drive(part), Huntington	Huntington & New Earswick	£31,000
3.	Woodlea Bank	Acomb	£28,000
4.	Davygate(part)	Guildhall	£10,000

Footway

	Road	Ward	Estimate
1.	Welland Rise	Holgate	£3,700
2.	Wellington Street	Fishergate	£9,800
3.	Coney Street(part)	Guildhall	£8,000

**CITY OF YORK COUNCIL ADDITIONAL £1MILLION CAPITAL SCHEME PROGRAMME
2010/11**

Carriageway

	Road	Ward	Estimate
1.	Highthorn Road (part), Huntington	Huntington & New Earswick	£21,000
2.	Bootham Row	Guildhall	£40,000
3.	York Road (part), Dunnington	Derwent	£61,000
4.	Elvington Lane (part)	Derwent	£98,000
5.	Acorn Way (part)	Dringhouses & Woodthorpe	£55,000
6.	Stockton Lane (part)	Heworth (without)	£17,000
7.	Heath Moor Drive	Fulford	£50,000
8.	Stray Road	Heworth (without)	£70,000
		Total	<u>£412,000</u>

Carriageway Major Patching

	Road	Ward	Estimate
1.	Various Locations	Various	£200,000

Footway

	Road	Ward	Estimate
1.	Acorn Way (part)	Dringhouses & Woodthorpe	£34,000
2.	St Giles Road, Skelton	Skelton, Rawcliffe and Clifton (without)	£25,100
3.	Carr Lane(part) in conjunction with slurry sealing scheme	Acomb	£59,700
4.	Museum Street/Lendal Bridge (part), Maltins side	Micklegate	£14,000
5.	Regent Street	Fishergate	£15,500
6.	Sim Balk Lane (part)	Bishopthorpe	£21,000
7.	Garbutt Grove	Acomb	£18,700
		Total	<u>£188,000</u>

Drainage

	Road	Ward	Estimate
1.	Various Issues	Various	£200,000

Total City of York Council Additional Capital Scheme programme £1,000,000

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Executive Member Decision Session - Neighbourhoods

24 March 2010

Report of the Director of Neighbourhood Services

HIGHWAY DRAINAGE – SURVEY AND REPAIR

Summary

1. This report informs the Executive Member on the progress made in tackling highway standing water problems using the additional funding provided over the last two financial years, and the proposals for spending the £200k allocated for 2010/11.

Background

2. In 2008 a growth bid was approved to provide £200k to deal with some of the most persistent and troublesome highway drainage problems. An exercise was carried out to identify locations which had produced repeated customer complaints, or were known to officers and Ward Members as areas where significant ponding had not been eased by normal reactive maintenance. These locations were prioritised for investigation in accordance with the criteria set out in the report to the City Strategy EMAP on 2 June 2008:
 - locations where flooding affects, or is quite likely to affect, property
 - locations adjacent to well used footways
 - locations adjacent to footways near elderly person's homes
 - locations where standing water is at a critical location for braking or turning
 - locations where flooding problems are frequent and have been persistent for some years
 - locations where flooding is particularly extensive
3. In a few cases the ponding ceased after simple cleaning and jetting and/or the installation of additional gullies. In other areas extensive survey, cleaning and remedial works were necessary to locate the drainage network and ensure an effective outfall is available. Many drains were found to be heavily silted. Records of drainage networks have been collected for inclusion in the highway database. Collapsed manholes and drains have been replaced, and utility companies required to repair damage caused by their works. In four locations

it was proven that problems were caused by deficiencies in the Yorkshire Water system downstream, and these have been brought to their attention for repair, with two attended to so far. Where investigations or subsequent heavy rainfall showed that further problems existed, the scope of the work was extended. All repairs have been carried out with a view to assisting future maintenance and thus reducing the recurrence of problems.

4. Throughout the works, the priority list was regularly reassessed with regard to prevailing conditions and the results of investigations. A list of all locations where work was carried out using the additional funding during 2008/9 and 2009/10 is attached as Annex 1.
5. The opportunity to carry out more extensive investigations and works in problem areas than is possible within normal maintenance regimes and budget constraints, has resulted in significant reductions in persistent ponding following heavy rain. In addition to benefiting the residents whose property had been affected by water running off the highway, the works have also reduced the hazard to drivers of water standing on roads, and the discomfort to pedestrians who were splashed with water by passing traffic.
6. Although the period 2007 to 2010 was unusually wet, (2008 was the wettest year, and November 2009 the wettest November, since Met Office records for East and North East England began in 1914) customer satisfaction with drainage from roads and footpaths, as measured by the TalkAbout survey, has risen slightly from 47% in 2007 to 50% in 2009/10. Also, the percentage of highway related public enquiries which were categorised as 'blocked gully' or 'highway drainage' reduced from 22% in 2007/8 to 15% in 2009/10.
7. At the meeting on 16 February 2010 the Executive approved the allocation of an additional £1m for Highways Maintenance and Flooding Alleviation. It is proposed to use £200k of this to continue the drainage work.

Proposals

8. Annex 2 contains a list of locations which will be considered for attention in 2010/11. It includes:
 - locations where work has already been carried out, but further work would be beneficial.
 - locations which were on the previous lists for attention but have yet to be dealt with
 - additional locations where serious ponding persists despite normal routine and reactive maintenance
9. Given the hidden nature of drainage systems it is not possible to estimate in advance the cost of works necessary to alleviate problems at any particular location. It is therefore proposed to continue the approach used over the last 2 years. The locations will be prioritised for attention in accordance with the criteria set out in paragraph 2, and the cost effectiveness of the works required. The priorities will be reassessed regularly through the year in the light of prevailing conditions and the results of investigations, and any further

locations which are brought to officers' attention will also be considered for inclusion in the programme.

Consultation

10. The funding was allocated as a result of feedback received from the 2010 budget consultation process. In the category 'Top priorities for spending', the option 'maintaining highway and footpath maintenance at current levels, allowing for inflation', was supported by 97% of respondents.
11. The 2009/10 TalkAbout survey recorded lowest customer satisfaction with drainage of water from roads and footpaths in Area E (Bishophthorpe, Wheldrake, Fishergate, Fulford, Heslington)

Corporate Priorities

12. Through the proposed measures Neighbourhood Services supports delivery of the Thriving City, Sustainable City, Safer City, Inclusive City and Effective Organisation themes from the corporate strategy.

Implications

Financial

13. The funding for highways maintenance and flood alleviation has been approved for 2010/11 and there are no financial implications arising from this report.

Human Resources (HR)

14. There are no HR implications identified in this report. It is likely that investigation and repair works will be carried out by drainage engineers from York Consultancy and staff from NS.

Equalities

15. The work carried out will benefit everyone in the community, particularly those who are blind or partially sighted and who may be more at risk of being splashed by passing traffic travelling through standing water. There are no equalities implications.

Legal

16. The Council has a statutory duty to carry out highway maintenance under Section 41 of the Highways Act 1980 and this report sets out the proposals to assist with this so far as standing water and localised flooding are concerned.

Crime and Disorder

17. There are no crime and disorder issues.

Information Technology (IT)

18 There are no IT implications.

Property

19. There are no property implications.

Other

20. There are no other implications.

Risk Management

21. In compliance with the Council’s risk management strategy the main risks that have been identified and measured in terms of impact and likelihood, the risk scores have been assessed at less than 16. This means that at this point the risks need only to be monitored, as they do not provide a real threat to the achievement of the objectives of this report.

Recommendations

22. It is recommended that the Executive Member approve the proposals in this report to enable the survey and repair works to continue in 2010/11, to assist in alleviating localised highway flooding and standing water problems.

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

Contact Details

Author:
Andy Binner
Head of Highway Infrastructure
Neighbourhood Services
Tel: (01904 553231)

Chief Officer Responsible for the report:
Sally Burns
Director of Neighbourhood Services

Report Approved **Date** 10/03/2010

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

Highway Drainage, Survey and Repair – City Strategy EMAP 2 June 2008
Capital Programme Budget – 2010/11 to 2014/15 – Executive 16 February 2010

Annexes – 1. Locations where drainage investigations and works were carried out in 2008/9 and 2009/10. **2.** Locations where drainage investigations and works will be considered in 2010/11

ANNEX 1**Locations where drainage investigations and works were carried out in 2008/9:**

STREET	LOCATION	WARD
Straight Lane	Holtby	Derwent
Cowper Lane	Acaster Malbis	Bishophorpe
Church Lane	Thorganby	Wheldrake
Moor Lane / Ox Carr Lane	Strensall	Strensall
Hob Moor underpass		Dringhouses & Woodthorpe
East Parade		Heworth
Windmill Lane		Hull Road
Acaster Lane	j/w Main Street	Bishophorpe
Carr Lane		Acomb / Holgate
Greengales Lane	Elvington	Wheldrake
Windsor Garth	Newbury Avenue junction	Westfield
Haxby Road	New Earswick	Huntington & N Earswick
High Petergate		Guildhall
Peter Lane		Guildhall
Tadcaster Road	Knivesmire Road to Moor Lane	Micklegate / Dringhouses & Woodthorpe
Huntington Road	Huntington School, Burn Estate area	Huntington
Stockton Lane, S on F	Dean's garden centre to Cherry Tree Farm	Strensall
The Village, S on F	Stone Riggs to de Mauley Place	Strensall
Sandy Lane, S on F	Barr Lane to Fircroft	Strensall
North Lane	adj A64	Huntington
The Horseshoe		Dringhouses & Woodthorpe
School Lane	Fulford	Fulford

Locations where drainage investigations and works were carried out in 2009/10:

STREET	LOCATION	WARD
Ox Carr Lane, Strensall*	continued from 2008/9, plus section between Six Bells and Howard Road	Strensall
Tadcaster Road*	continued from 2008/9 plus section between Tesco roundabout and the college	Dringhouses & Woodthorpe
Huntington Road*	Huntington School, Burn Estate area	Huntington
Stockton Lane, S on F*	Dean's garden centre to Cherry Tree Farm	Strensall

The Village, S on F*	Stone Riggs to de Mauley Place	Strensall
Sandy Lane, S on F*	Barr Lane to Fircroft	Strensall
North Lane	adj A64	Huntington
The Horseshoe*		Micklegate
School Lane*	Fulford	Fulford
Water Lane	o/s 4 & 10, Dunnington	Derwent
Carr Lane*	The Ainsty to Almsford Road	Holgate
Ascot Road,	Wigginton	Haxby & Wigginton
Holly Tree Lane	Haxby	Haxby & Wigginton
York Road	Haxby	Haxby & Wigginton
The Village, Wigginton	adj Recreation Hall	Haxby & Wigginton
Elvington Lane	adj airfield entrance	Wheldrake
Holtby Lane	j/w Bad Bargain Lane	Derwent
Holtby Lane	bend adj Dean's nursery	Derwent
York city centre	Museum Street and others	Guildhall
Wetherby Road*	Rufforth	Rural West York
Scoreby Lane	adj Holly Tree House	Derwent
Trentholme Drive	adj nos 14, 16	Micklegate
Straight Lane, Holtby*	Willow Court area	Derwent

* work continued from 2008/9

Locations where drainage investigations and works will be considered in 2010/11:

STREET	LOCATION	WARD
All works to be prioritised in accordance with prevailing conditions and results of investigations		
Locations where work has commenced		
Sandy Lane	Stockton on the Forest	Strensall
Huntington Road	Huntington School, Burn Estate area	Huntington
Ox Carr Lane / Pear Tree Lane	Strensall	Strensall
York Road	Haxby	Haxby & Wigginton
Straight Lane	Holtby	Derwent
Scoreby Lane		Derwent
Carr Lane	Boroughbridge Road to Almsford Road	Acomb
Bad Bargain Lane / Holtby Lane		Strensall / Derwent
Hawthorn Terrace	Red Lodge to Folk Hall, New Earswick	Huntington & New Earswick
Locations on previous priority lists which have not received attention		
Holgate Road	between Wilton Rise and the Fox Inn	Holgate
Princess Road / Southfield Road		Strensall
Hauling Lane	Ship Inn to caravan park	Acaster Malbis
Wigginton Road	adj 74/76 and Nestle main gate	Clifton
Chiltern Way, Huntington	j/w North Lane	Huntington
Cornlands Road	Near shops	Westfield
Other works		
A1237	Locate and clean catchpits	
Main Street Bishopthorpe		Bishopthorpe
Wheldrake	Main Street, Benjy Lane and Greengales Lane areas	Wheldrake
Naburn	marina entrance area	Wheldrake

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Decision Session – Executive Member for Neighbourhoods**24th March 2010**

Report of the Director of Neighbourhood Services

Update of the Environmental Health, Trading Standards, Licensing, Street Environment and Enforcement Services Enforcement Policy**Summary**

1. The purpose of this report is to seek approval by the Executive Member for an updated and consolidated enforcement policy for City of York Council Environmental Health, Trading Standards, Licensing, Street Environment and Enforcement Services Enforcement Policy.

Background

2. The current version of the Environmental Health, Trading Standards and Licensing Services (EH, TS and Licensing) Enforcement Policy was approved by Members in June 2008. The current version of the Street Environment and Enforcement Services (SES) Enforcement Policy was approved by Members on December 2006. Approved enforcement policies are necessary to ensure that the actions of officers cannot be subject to an 'abuse of power/process' challenge in the Courts.
3. From December 2007 all local authority enforcement policies are required to comply with the 'Statutory Code of Practice for Regulators' (the Code) made under the section 23 of the Legislative and Regulatory Reform Act 2006. Both the current EH, TS and Licensing and SES Enforcement Policies were written to meet the standards in the Code and are therefore very similar.
4. The nature of cases investigated by EH, TS and Licensing and SES officers has evolved over recent years. Prosecutions are now only taken 'in the first instance' for serious matters and cases put before the Courts are often classified acquisitive crime i.e. the acquiring of assets (including money) from offences such as fraud, intellectual property crime or fly tipping. Such matters can now be subject to a financial, or money laundering, investigation under the Proceeds of Crime Act 2002. A financial, or money laundering, investigation will determine if there is an opportunity to apply to the Court for those assets to be confiscated.

Proposed Updated Enforcement Policy

5. Annex 1 to this report is a proposed updated and consolidated Enforcement Policy for EH, TS, Licensing and SES which outlines the circumstances under which a financial investigation will be carried out.

Consultation

6. The council's legal services department have been consulted on the wording of the updated Enforcement Policy.
7. It is a requirement of national performance indicator 182 to measure the satisfaction of businesses with the council's EH, TS and Licensing services. Surveys have been conducted regularly with businesses for a several years including those that have been found 'non compliant' and subject to formal enforcement action. No negative feedback has been received in relation to the current EH, TS and Licensing Enforcement Policy.

Options

8. (a) To approve the updated enforcement policy.
(b) To reject the updated enforcement policy.

Analysis

9. Option (a) will allow the council's environmental health, trading standards, licensing, street environment and enforcement services to continue to take formal enforcement action against those businesses and individuals in the circumstances outlined in the policy.
10. Option (b) would mean that if the council's environmental health, trading standards, licensing, street environment and enforcement services took formal enforcement action outside the scope of current Enforcement Policies then the matter may be open to a legal challenge in the Courts.

Corporate Priorities

11. The enforcement activities of the council's environmental health, trading standards, licensing, street environment and enforcement services contribute to the council's strategic ambition of creating a Thriving, Safer, Sustainable and Healthy City.

Financial Implications

12. There are no financial implications.

Human Resources

13. There are no human resource implications.

Equalities

14. There are no equalities implications. The services to which this enforcement policy relates has the “customer service excellence” award and as such all equalities issues have been considered.

Legal Implications

15. Local authorities exercising a regulatory function are obliged to have regard to the Code of Practice when formulating its enforcement policy

Crime and Disorder

16. There are no crime and disorder implications.

Information Technology (IT)

17. There are no IT implications.

Risk Management

18. In compliance with the council’s risk management strategy. There are no major risks associated with the recommendations of this report.

Recommendations

19. That the executive member adopt Option a) in paragraph 7 and approve the updated Enforcement Policy.

Reason: To allow the council’s environmental health, trading standards, licensing, street environment and enforcement services to continue to take formal enforcement action against those businesses and individuals in the circumstances outlined in the policy.

Contact Details

Author:

Colin Rumford
Head of Environmental Health and
Trading Standards
Tel (01904) 551502

Chief Officer Responsible for the report:

Andy Hudson
Assistant Director
(Neighbourhoods & Community Safety)

Report Approved **Date** 4th March 2010

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

Environmental Health, Trading Standards and Licensing Services Enforcement Policy (June 2008)
Street Environment and Enforcement Services Enforcement Policy (December 2006)

Annexes:

Proposed updated enforcement policy

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Environmental Health, Trading Standards, Licensing, Street Environment and Enforcement Services

Enforcement Policy

This document is the enforcement policy for City of York Council's environmental health, trading standards, licensing and street environment and enforcement services. It sets out the key principles under which officers will seek to achieve compliance with the legislation enforced by these services. In carrying out their duties officers will adhere to the principles of good enforcement set out in the 'Statutory Code of Practice for Regulators' and all other relevant codes including those concerned with the investigation of offences or the prosecution of offenders.

All enforcement activity undertaken under this policy will have regard to the Human Rights Act 1998 and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

1.0 Introduction

The main purposes of the environmental health, trading standards, licensing, street environment and enforcement services are to maintain a fair and safe trading environment for consumers and businesses, to help reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York and to improve and protect public health and the environment. We recognise that effective and well-targeted regulation is essential in achieving this.

We will ensure legal compliance by:

- Helping and encouraging businesses and individuals to understand comply with the law.
- Responding proportionately to breaches of the law.

2.0 Economic Progress

We will consider the impact that our regulatory activities may have on businesses, including consideration of costs, effectiveness and perceptions of fairness. We will only adopt a particular approach if the benefits justify the costs and in doing so will endeavour to keep any perceived burdens to a minimum.

(References to costs and benefits include economic, social and environmental costs and benefits).

3.0 Risk Assessment

We will allocate our resources where they will be most effective by assessing the risks due to non-compliance with the law. The risk factors include:

- the potential impact on residents, consumers and business in failing to meet legal requirements.
- the likelihood of non-compliance taking into account matters such as: the past history, the systems the business has in place, management competence and willingness to comply.

4.0 Advice and Guidance

We recognise that prevention is better than cure and will actively work with business and residents to advise on and assist with, compliance with the law.

In doing this we will ensure that:

- Legal requirements are made available and communicated promptly upon request.
- The information we provide will be in clear, concise and accessible language. Advice will be confirmed in writing where necessary.
- We will clearly distinguish between legal requirements and guidance aimed at improvements above minimum standards.

5.0 Inspections and Other Visits

All inspections and other visits to businesses will be undertaken after consideration of the risk the business poses if it fails to comply with the law (see paragraph 3.0 above), where the business has requested advice or where intelligence/information suggests that an inspection or visit is appropriate.

- Where we carry out inspections we will give feedback to the business on what the officer has found; this will include positive feedback to encourage and reinforce good practice.
- Where practicable we will co-ordinate inspections with other regulators to minimise the burden on businesses.
- Random inspection will be undertaken where government guidelines require us to do so. A small amount of random inspection may also be undertaken to test our risk assessments or the effectiveness of any action we have taken.

6.0 Information Requirements

We will only ask businesses for information that is necessary after considering the cost and benefit to obtaining the information. Where possible we will share this information with our partners (taking account of data protection) to prevent the need for providing the information more than once.

7.0 Compliance and Enforcement Actions

We recognise that most businesses and individuals wish to comply with the law, however firm action will be taken against those who flout the law or act irresponsibly.

We will carry out all of our enforcement duties, including taking formal enforcement action, in a fair, equitable and consistent manner. Whilst officers exercise judgement in individual cases, we will have arrangements in place to promote consistency including liaison with other agencies and authorities.

Formal enforcement action will only be considered and taken in the first instance in cases involving unfair commercial practices against consumers or businesses, fraud, sales of age restricted products, intellectual property crime, occupational health and safety, public safety, a risk to public health (including food safety), statutory nuisances, animal health and welfare, the composition and safety of animal feeding stuffs, damage to the environment, overloaded goods vehicles, dog fouling, trading standards offences committed by doorstep sellers, the sale of imitation firearms or in any other case in which a head of service considers formal enforcement action is necessary.

Formal enforcement action will also be considered and may be taken where advice has been ignored.

Where formal enforcement action is necessary, we will consider the most appropriate course of action (from the range of sanctions and penalties available) with the intention of:-

- Aiming to change the behaviour of the offender
- Aiming to eliminate any financial gain or benefit from non-compliance
- Being responsive and considering what is appropriate for the particular offender and issue involved, including punishment and the public stigma that may be associated with a criminal conviction.
- Being proportionate to the nature of the offence and harm caused
- Aiming to restore the harm caused by non-compliance
- Aiming to deter future non-compliance.

Before formal enforcement action is taken:

- There will be an opportunity to discuss the circumstances of the case, unless immediate action is required e.g. to prevent the loss of evidence or there is an imminent risk to the environment, public health or health and safety. This discussion will usually follow an interview under caution if a prosecution is being considered.
- Where immediate formal enforcement action is taken, which will usually be the service of a written notice, reasons for such action will be given at the time (if possible) and confirmed in writing within 10 working days.
- Where there are rights of appeal against formal enforcement action, notification of the appeal mechanism will be clearly set out in writing at the time the action is taken.
- Clear reasons will be given for any formal enforcement action taken, and confirmed in writing.

For the purposes of this policy 'formal enforcement action' includes serving a legal notice (e.g. an improvement, suspension, prohibition, fixed penalty or abatement notice), the seizure of goods, the seeking of an injunction, the issue of a 'formal' written caution and prosecution. In cases involving food safety and the issue of legal notices and voluntary closure of premises we will follow guidance set out in the appropriate Food Standards Agency Food Law Code of Practice.

If the formal enforcement action being considered is a prosecution we will also consider a number of additional factors in line with the Code for Crown Prosecutors and any other nationally recognised guidance such as the Enforcement Management Model published by the Health and Safety Executive. These factors may include the following:

- The seriousness of the alleged offence
- The history of the party concerned
- The willingness of the business or the individual to prevent a recurrence of the problem and co-operate with officers
- Whether it is in the public interest to prosecute
- The realistic prospect of conviction
- Whether any other action (including other means of formal enforcement action) would be more appropriate or effective
- The views of any complainant and other persons with an interest in prosecution.

These factors are NOT listed in order of significance. The rating of the various factors will vary with each situation under consideration.

In investigations that may result in a prosecution for an acquisitive crime i.e. the acquiring of assets (including money) from offences such as fraud or intellectual property crime, we will undertake a financial investigation into the circumstances of the case. This may result in an investigation into money laundering and confiscation action being taken through the courts.

8.0 Accountability

We will be accountable for the efficiency and effectiveness of our activities, while remaining independent in the decisions we take.

- We shall provide businesses and individuals with effective consultation and opportunities for feedback on our service.
- Officers will be courteous, fair and efficient at all times, and will identify themselves by name and, where appropriate, identity card.
- Any complaints about the way you have been treated will follow City of York Council's complaints procedure, which is easily accessible to all service users, and explains how to make a complaint and the timescales involved. A copy of the complaints procedure can be obtained from 9 St Leonard's Place, York, by telephoning 01904 551550 or via our website at www.york.gov.uk

9.0 Application of our enforcement policy

All officers will have regard to this document when making enforcement decisions.

Any departure from this policy must be exceptional, capable of justification and be fully considered by the head of service before a final decision is taken. This proviso shall not apply where a risk of injury or to health is likely to occur due to a delay in any decision being made. In cases of emergency or where any exceptional conditions prevail, the chief executive may suspend any part of this policy where necessary to achieve effective running of the service and/or where there is a risk of injury or to health of employees or any members of the public.

10.0 Review

This document will be subject to review as and when required. Improvements will be made if there are any changes in legislation or in local needs.

If you have any comments please contact the head of environmental health and trading standards by calling 01904 551550 or by writing to 9 St Leonard's Place, York YO1 7ET or email to trading_standards@york.gov.uk.

This information can be provided in your own language.


我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

**Ta informacja może być dostarczona w twoim (Polish)
własnym języku.**

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550



Decision Session - Executive Member for Neighbourhoods

24th March 2010

Report of the Director of Neighbourhood Services

Neighbourhoods & Community Safety Group Legal Actions

Summary

1. To inform the Executive Member for Neighbourhoods of the results of legal actions (prosecutions, cautions and fixed penalties) undertaken by the Neighbourhoods and Community Safety area of the Directorate of Neighbourhood Services (Environmental Health, Trading Standards, and Licensing) for the period 1st October 2009 – 31st December 2009 and to approve the continuation of future enforcement action in accordance with the CYC enforcement policy.

Background

2. The Executive Member for Environment and Sustainability approved an enforcement policy for Environmental Health, Trading Standards and Licensing Services in March 2008.
3. This report details the results of prosecutions taken in the period 1st October 2009 – 31st December 2009. In accordance with the policy each case is considered on its merits before legal proceedings are instituted.
4. Annex A summarises the prosecutions completed, fixed penalty notices and cautions that have been issued (a caution is a Home Office approved procedure which is an alternative to prosecution. It involves a written acceptance that an offence has been committed and may be drawn to the attention of a court if any subsequent offence is committed within two years of issue).

Consultation

5. Not applicable.

Options

6. Not applicable as members are being asked to note the content of the report.

Analysis

7. Not applicable.

Corporate Objectives

8. The legal actions contribute to the councils strategic ambition of “reducing the actual and perceived impact of violent, aggressive and nuisance behaviour of people in York” and “To improve the health and lifestyles of the people who live in York”.

Implications

9. **Financial:** There are no financial implications associated with this report.
10. **Human Resources:** There are no Human Resources implications associated with this report.
11. **Equalities:** There are no equalities implications associated with this report.
12. **Legal:** There are no legal implications associated with this report. All cases relating to named individual are already in the public domain.
13. **Crime and Disorder:** Formal enforcement action taken by environmental health, trading standards and licensing services contributes to reducing anti social behaviour and dishonest trading.
14. **Information Technology (IT):** There are no IT implications associated with this report.
15. **Other:** There are no other implications associated with this report.

Risk Management

16. There are no known risks associated with this report.

Recommendations

17. That the Executive Member notes and approves the contents of this report.

Reason: so that the Executive Member is updated on formal enforcement activity undertaken by the Neighbourhoods and Community Safety Group and approves the continuation of future enforcement action in accordance with the CYC enforcement policy.

Contact Details

Author:

Colin Rumford
Head of Environmental Health
and Trading Standards
Phone: 551502

Chief Officer Responsible for the report:

Andy Hudson
Assistant Director (Neighbourhoods and Community Safety)
Phone: 551814

Report Approved



Date 4th March 2010

Specialist Officer Implications: None

Wards Affected:

All



Background Papers:

Environmental Health, Trading Standards and Licensing Enforcement Policy (June 2008)

Annexes

Annex A: EH and TS Formal Enforcement Action 1st October 2009 – 31st December 2009.

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Formal Enforcement Action 1st October 2009 – 31st December 2009

Animal Health

Defendant	Legislation	Nature of Case	Penalty	Costs
Anthony BATCHELOR (Private Individual)	Dogs Act 1871 as amended by Dangerous Dogs Act 1989	Dangerous Dog	Control Order	£100.00
Diana STOREY (Private Individual)	Dogs Act 1871 as amended by Dangerous Dogs Act 1989	Dangerous Dog	Control Order	None
Donald STOREY (Private Individual)	Dogs Act 1871 as amended by Dangerous Dogs Act 1989	Dangerous Dog	Control Order	£236.50

12 x £50.00 fixed penalty notices were issued under the Dogs (Fouling of Land) Act 1996 for allowing a dog to foul and failing to remove the faeces.

Food

3 simple cautions were issued under the Food Hygiene (England) Regulations 2006 for poor hygiene/failing to put in place, implement and maintain a permanent procedure.

Health & Safety/Licensing

2 x £50 fixed penalty notices were issued under Section 7 of the Health Act 2006 for smoking in a vehicle/premise.

Environmental Protection

Defendant	Legislation	Nature of Case	Penalty	Costs
Kevin BRYANT (Private Individual)	Environmental Protection Act 1990 as amended	Breach of an abatement notice for noise nuisance	Fine £250.00 Forfeiture of equipment	£216.00

A Simple caution was issued under the Environmental Protection Act 1990 as amended for breach of an abatement notice for noise nuisance.

Trading Standards

Defendant	Legislation	Nature of Case	Penalty	Costs	Compensation
*Clare CHEETHAM T/A Bags-n-Bobs (ebay trader)	Trade Marks Act 1994	Counterfeit goods	9 months suspended sentence 200 hours community punishment	£500.00	£144.50
**Gillian FEATHERS (ebay trader)	Trade Marks Act 1994	Counterfeit clothing	12 months Community Order 150 hours unpaid work	To be determined	
Paul Michael GIBNEY Trading as PMG Enterprises (Internet Trader)	Trade Marks Act 1994	Counterfeit goods	200 hours unpaid community work	£1500.00	
**Paul HOUSE (ebay trader)	Trade Marks Act 1994	Counterfeit clothing	12 months Community Order 150 hours unpaid work	To be determined	
Marcus RYAN (ebay trader)	Trade Marks Act 1994	Counterfeit goods	Withdrawn	N/A	

* Confiscation order £6850.66 (ordered to pay £1 nominal amount)

**Proceeds of Crime Hearing Act 2002 set for 25 March 2010

A simple caution was issued under the Trade Marks Act 1994 for selling counterfeit goods at Rufforth Car Boot Sale.

A simple caution was issued under the Criminal Justice Act 1988 for selling a knife to a 14 year old boy.

3 written assurances were signed under the Enterprise Act 2002 for various civil breaches.

Please note: all fines imposed by the Courts are now subject to an additional £15 victim surcharge.



Executive Member Decision Session – Neighbourhood Services

24 March 2010

Report of the Director of Neighbourhood Services

NEIGHBOURHOOD SERVICES CAPITAL PROGRAMME MONITOR 3

Summary

1. The purpose of this report is to:
 - Inform the Executive Member of the likely outturn position of the 2009/10 Capital Programme based on the spend profile and information to December 2009;
 - To notify of any resulting changes to the programme;
 - Inform the Executive Member of any slippage and associated funding to be slipped between the relevant financial years to reflect this.

Background

2. The 2009/10 – 2013/14 capital programme was approved by Council on 26th February 2009. The current approved capital programme for 2009/10 is £4.657 m, financed by £2.248 m of external funding*, leaving a cost to the Council of £2.409 m. Table 1 illustrates the movements from the original budget to the currently approved position.

	Gross Budget £m	External Funding* £m	Capital Receipts £m
Original Budget Approved by Council at 26 Feb 2009	4.657	2.248	2.409
Additions/reductions approved at monitor 1	1.780	1.778	0.002
Slippage approved at monitor 1	(0.008)	0	(0.008)
Additions/reductions approved at monitor 2	0	0	0
Slippage approved at monitor 2	(1.100)	(1.000)	(0.100)
Current Approved Capital Programme	5.329	3.026	2.303

*External funding refers government grants, non-government grants, other contributions, developer's contributions and supported capital expenditure.

Table 1 Current Approved Capital Programme

3. The capital receipts column above implies receipts generated from the sale of Council assets will be used to fund the difference between the gross budget less all other specified funding sources. Due to the current economic climate not being favourable to achieving maximum receipt value from asset disposals, consideration will be given to the use of prudential borrowing to fund the capital programme as a temporary measure. When the economic climate returns to a more favourable state assets will be sold with the receipts being applied to finance the programme thus replacing the temporary borrowing.

Consultation

4. The capital programme was developed under the Capital Resource Allocation Model (CRAM) framework and agreed by Council on 26th February 2009. Whilst the capital programme as a whole is not consulted on, the individual scheme proposals do follow a consultation process with local Councillors and residents in the locality of the individual schemes.

Summary of Key Issues

5. Against the current approved budget of £5.329m, there is a predicted outturn of £5.041m, a net decrease of £0.288m.
6. The net decrease is composed of:
 - Additional grant of £46k received for Contaminated Land Investigations
 - An overspend on Silver Street Toilets of £24k
 - Slippage of £246k into 2010/11 on the Waste Infrastructure Capital Grant
 - Slippage of £112k on the EcoDepot Gatehouse/Reception.

Table 2 highlights scheme specific information:

Gross Neighbourhood Services Capital Programme	2009/10	2010/11	2011/12	Total	Para Ref
	£m	£m	£m	£m	
Current Approved Capital Programme	5.329	5.326	5.555	16.210	
Additional:					
Contaminated Land Investigations	0.046	0.005	0	0.051	
Silver Street Toilets	0.024	0.001	0	0.025	
Re-profiling:					
Waste Infrastructure Capital Grant	(0.246)	0.246	0	0	
EcoDepot gatehouse	(0.112)	0.112	0	0	
Revised Capital Programme	5.041	5.690	5.555	16.286	

Table 2 Capital Programme Forecast Outturn 2009/10 – 2011/12

7. The main highlights of this report are:

- Additional grant of £46k received for Contaminated Land Investigations
- An overspend on Silver Street Toilets of £24k
- Slippage of £246k into 2010/11 on the Waste Infrastructure Capital Grant
- Slippage of £112k on the EcoDepot Gatehouse/Reception.

Scheme Specific Analysis

Air Quality Management

09/10 Budget: £50k (DEFRA Grant)

09/10 Forecast: £50k

8. The grant relates to air quality monitoring, air quality modelling and air quality action planning and was used to upgrade existing air quality monitoring equipment, modelling software and publicity/ education.

9. It is expected that this scheme will complete in year.

Contaminated Land Investigation

09/10 Budget: £12k (DEFRA Grant)

09/10 Revised budget £58k (DEFRA Grant)

09/10 Forecast: £58k

10. DEFRA provided a capital grant in 2008/09 of £39k to support detailed contaminated land investigations at three sites in accordance with

obligations placed on the council by Part 11A of the Environmental Protection Act 1990.

11. The budget of £12k was carried forward from 2008/09.
12. An additional DEFRA grant has been awarded of £46k in 09/10 and £5k in 2010/11. This is in respect of investigations at sites at Chapmans Pond Landfill and Westfield School Landfill.
13. It is expected that the 2009/10 grant will be spent in year.

Waste Infrastructure Capital Grant (WICG)

09/10 Current Budget: £721k (DEFRA Grant)

09/10 Revised Budget £475k

09/10 Forecast: £475k

14. This was a new grant from DEFRA in 2008/09 for which we received funding over three financial years (2008/09 £360k, 2009/10 £361k and 2010/11 £133k). The purpose of this grant is to enable local authorities to invest in front end waste infrastructure, notably for recycling and composting
15. The full grant for 2008/09 of £360k was slipped to 2009/10. Changes to the timetable for the rollout of kerbside recycling and alternate weekly collection have altered the phasing of the capital expenditure hence the request to slip £246k into 2010/11. The overall programme is due to complete by the end of December 2010.

Silver Street Toilets

09/10 Current Budget: £300k (CYC Resources)

09/10 Revised Budget £324k

09/10 Forecast: £324k

16. This project replaced Parliament Street Toilets with a purpose built modern facility that better reflects the needs of users.
17. This scheme has now completed and the facility was officially opened after Christmas. Additional costs have been incurred of £24k in year taking the 2009/10 spend to £324k. These are due to unforeseen structural problems and delays to the contract which has meant additional prelim costs from the main contractor.
18. Slippage of £8k was agreed at monitor 1 to cover anticipated retention of 2.5%, which is unlikely to be due until 2010/11, this has been revised to a budget of £9k required for retention costs.

Ward Committees

09/10 Current Budget: £56k (CYC resources)

09/10 Forecast: £56k

19. The total budget of £56k was carried forward from 2008/09. There is no new capital funding in 2009/10 as it was agreed that all ward committee schemes would be funded from revenue.

20. All schemes are expected to complete in year.

EcoDepot Security Gatehouse/Reception

09/10 Current Budget: £122k (CYC resources)

09/10 Revised Budget £10k

09/10 Forecast: £10k

21. This is a new scheme for 2009/10 which is intended to provide a permanent, purpose built, security gatehouse and reception at the point of entry to the EcoDepot site.

22. This scheme has not been progressed as planned and is at design stage currently. It is requested that £112k be slipped into next year. The £10k budget will be required for design fees for the start of the project.

Structural Maintenance – Highway Resurfacing and Reconstruction

09/10 Current Budget: £3,783k (£2,243k LTP, £1,540 CYC resources)

09/10 Revised Budget: £3,783 (£2,243k LTP, £1,540 CYC resources)

09/10 Forecast: £3,783k

23. All planned schemes within the Structural Maintenance scheme will be undertaken this year with the exception of those schemes requested to be slipped into 2010/11 in earlier monitoring reports.

24. All schemes are expected to complete on target.

Structural Maintenance - Bridges

09/10 Current Budget: £185k (CYC resources)

09/10 Forecast: £185k

25. The budget of £185k is in relation to the Melrosegate Bridge for restoring the bridge over the Sustrans cycle track.

26. It is expected that this scheme will complete on target.

Street Light Modernisation

09/10 Current Budget: £100k (Venture Fund)

09/10 Forecast: £100k

27. The budget of £100k was approved at Council on 26th February 2009. This is an advance from the Venture Fund of £100k in 2009/10 and £200k in 2010/11, to be spent on the modernisation of the city's street lighting stock, which will have the effect of reducing revenue costs and CO2 emissions.

28. It is expected that this scheme will complete on target.

Summary

29. Adjustments to the capital programme since the approval of the capital programme at Council on 26th February meeting, and updates at monitor 3, are:

- Additional grant of £46k received for Contaminated Land Investigations
- An overspend on Silver Street Toilets of £24k
- Slippage of £246k into 2010/11 on the Waste Infrastructure Capital Grant
- Slippage of £112k on the EcoDepot Gatehouse/Reception.

Corporate Priorities

30. The capital programme is decided through a formal process, using a Capital Resource Allocation Model (CRAM). CRAM is a tool used for allocating the Council's scarce capital resources to schemes that meet corporate priorities.

Implications

Financial Implications

31. The financial implications are considered in the main body of the report.

Human Resources Implications

32. There are no significant HR implications as a result of this report.

Equalities Implications

33. There are no significant equalities implications as a result of this report.

Legal Implications

34. There are no significant legal implications as a result of this report.

Crime and Disorder

35. There are no significant crime and disorder implications as a result of this report.

Information Technology

36. There are no significant information technology implications as a result of this report.

Property

37. There are no significant property implications as a result of this report.

Risk Management

38. The capital programme is regularly monitored as part of the corporate monitoring process. In addition to this the Capital Asset Management Group (CAMG) meets regularly to plan monitor and review major capital receipts to ensure that all capital risks to the Council are minimised.

Recommendations

39. That the Executive Member approves:

- The 2009/10 revised budget of £5.041m as set out in Table 2.
- Additional grant of £46k received for Contaminated Land Investigations
- An overspend on Silver Street Toilets of £24k
- Slippage of £246k into 2010/11 on the Waste Infrastructure Capital Grant
- Slippage of £112k on the EcoDepot Gatehouse/Reception.

Reason: to enable the effective management and monitoring of the Council's capital programme.

Contact Details

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Chief Officer Responsible for the report:
Sally Burns
Director Neighbourhood Services

**Report
Approved**



Date 25/02/10

Specialist Implications Officer(s)

N/a

Wards Affected:

All

For further information please contact the author of the report

Annexes: None

Background Papers – 2009/10 Capital Monitoring papers held at Neighbourhood Services

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