



## Notice of meeting of

### Decision Session - Executive Member for Neighbourhoods

**To:** Councillors Reid (Executive Member)

**Date:** Tuesday, 18 May 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 Monday 17<sup>th</sup> May 2010**, if an item is called in *before* a decision is taken, *or*

**4pm on Thursday 20<sup>th</sup> May 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 - 8)

To approve and sign the minutes of the meeting of the Executive Member for Neighbourhood Services and Advisory Panel on Wednesday 24 March 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 **5pm on Monday 17<sup>th</sup> May 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 items for this session.

Any written representations in respect of items on this agenda should be submitted to Democratic Services by **5pm on Friday 14<sup>th</sup> May 2010**.

### **4. Major Carriageway Patching Repairs of the (Pages 9 - 18) Damage to the Highway caused by the Extreme Winter Weather of December 2009 and January 2010.**

This report informs the Executive Member on the progress made in repairing the damage to the highway caused by the recent extreme weather conditions and how the additional Department of Transport and City of York Council capital funding is proposed to be used.

### **5. Mid-Summer Clean-up Campaign. (Pages 19 - 22)**

This report provides the Executive Member for neighbourhoods with a summary of the work to be undertaken during June under the banner of the 'Mid-Summer Clean Up Campaign'. It outlines how the council will engage with the voluntary sector and communities and how the council will look to partner with the Campaign to Protect Rural England.

**6. Neighbourhoods & Community Safety (Pages 23 - 28)  
Group Legal Actions.**

The purpose of this report is to enable the Executive Member for Neighbourhoods to review 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 1<sup>st</sup> January 2010 to 31<sup>st</sup> March 2010 and approve the continuation of the current policy on legal actions.

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

Democracy Officers:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail- [laura.bootland@york.gov.uk](mailto: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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- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
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### Further information about what's being discussed at this meeting

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### Access Arrangements

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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.

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

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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

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

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City of York Council

Committee Minutes

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|         |  |
|---------|--|
| MEETING | DECISION SESSION - EXECUTIVE MEMBER FOR NEIGHBOURHOODS |
| DATE    | 24 MARCH 2010  |
| PRESENT | COUNCILLORS REID (EXECUTIVE MEMBER)                    |

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**38. DECLARATIONS OF INTEREST**

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

**39. MINUTES**

RESOLVED: That the minutes of the Decision Sessions held on 26 January 2010 and 16 February 2010 be signed and approved as a correct record by the Executive Member.

**40. PUBLIC PARTICIPATION - DECISION SESSION**

It was reported that Councillor Brooks had registered to speak on Item 4, the Annual Highway Maintenance Report. Details are under the relevant minute item.

**41. THE ANNUAL HIGHWAY MAINTENANCE REPORT**

The Executive Member considered a report which provided a review of the service performance in highway maintenance over the last year and examined the issues arising and proposes programmes of work to be undertaken in the financial year 2010/11.

Councillor Brooks who had registered to speak on this item as Ward Councillor for Derwent Ward asked the Executive Member and Officers to look at Straight Lane, Holtby. She advised the road has many potholes and queried whether the road could be considered for Kerbing as well as surfacing as the verges are in a state of poor repair. Officers advised that Kerbing is costly but they would look into the matter.

The Executive Member made the following comments:

- Congratulated Officers on the performance for last year.
- Noted that the work outlined in Annex 7 is the direct result of extra funding.
- Queried the work at East Parade. Officers advised they would contact the Executive Member with an update.

- Queried if the programme would be on the website for Members of the Public to see. Officer's advised it would be.

The recommendations were approved.

- RESOLVED:
- (i) That the Executive Member noted the performance and success in 2009/10
  - (ii) That the Executive Member noted the issues arising in 2009/10
  - (iii) That the Executive Member approved the allocation of budgets for 2010/11.
  - (iv) That the Executive Member approved the implementation of the proposed programme.
  - (v) That the Executive Member approved the reserve list of schemes.
  - (vi) That the Executive Member approved the additional £1 million capital scheme programme.
  - (vii) That the Executive Member noted the comments made by Councillor Brooks and requested Officers to look into her concerns.<sup>1</sup>

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

Action Required

1. Officers to look into concerns raised by Cllr. Brooks. AB

**42. HIGHWAY DRAINAGE - SURVEY AND REPAIR**

The Executive Member considered a report which outlined the progress made on 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.

Officers advised that Acomb Green had been added to the list of locations detailed at Annex 2, and with that amendment, the Executive Member approved the recommendations.

RESOLVED: That the Executive Member approved the proposals in the report (with the addition of Acomb Green) 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.

**43. UPDATE OF THE ENVIRONMENTAL HEALTH, TRADING STANDARDS, LICENSING STREET ENVIRONMENT AND ENFORCEMENT SERVICES ENFORCEMENT POLICY**

The Executive Member considered a report which sought approval for an updated and consolidated enforcement policy for City of York Council Environmental Health, Trading Standards, Licensing, Street Environment and Enforcement Services Enforcement Policy.

Officers presented the report and advised that the updated version would now take into consideration the Proceeds of Crime Act 2002 and the street environment service enforcement actions. The Executive Member commented that in future it would be useful for Members to be provided with a version which shows where any revisions have been made.

RESOLVED: That the Executive Member agreed to adopt Option A and approved the updated Enforcement Policy.

REASON: To allow the Council's Environmental Health, Trading Standards, Licensing and Street Environment and Enforcement Services to continue to take formal enforcement action against those business and individuals in the circumstances outlined in the policy.

**44. NEIGHBOURHOODS & COMMUNITY SAFETY GROUP LEGAL ACTIONS.**

The Executive Member considered a report which highlighted the results of legal actions undertaken by the Neighbourhoods and Community Safety area of the Neighbourhood Services Directorate (Environmental Health, Trading Standards and Licensing), for the period 1<sup>st</sup> October 2009 to 31<sup>st</sup> December 2009. The report asked the Executive Member to approve the continuation of future enforcement action in accordance with the City of York Council Enforcement Policy.

Officers answered a number of queries the Executive Member had on the prosecutions detailed at Annex A.

RESOLVED: That the Executive Member noted and approved 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

accordance with City of York Council Enforcement Policy.

**45. NEIGHBOURHOOD SERVICES CAPITAL PROGRAMME MONITOR 3**

The Executive Member considered a report which set out the likely outturn position of the 2009/10 Capital Programme based on spend profile information to December 2009, notified of any resulting changes to the programme and informed the Executive Member of any slippage and associated funding to be slipped between the relevant financial years to reflect this.

The Finance Manager outlined the report and highlighted that against the current approved budget of £5.329m there is a predicted outturn of £5.041m, a net decrease of £0.288m. The reasons for this were explained, in particular an overspend on the new Silver Street toilets of £24k and slippage of £112k on the EcoDepot Gatehouse. Officers advised that since the report had been completed, a further Air Quality grant of £20k had been received.

The Executive Member noted the additional Air Quality money and approved the recommendations.

- RESOLVED:
- (i) That the Executive Member approved the 2009/10 revised budget of £5.041m as set out in Table 2 on page 67 of the Agenda.
  - (ii) That the additional grant of £46k received for Contaminated Land Investigations was noted.
  - (iii) That the Executive Member approved the overspend on the Silver Street Toilets £24k.
  - (iv) That the Executive Member approved the slippage of £246k into 2010/11 on the Waste Infrastructure Capital Grant.
  - (v) That the Executive Member approved the slippage of £112k on the EcoDepot Gatehouse/Reception.

REASON: To enable the effective management and monitoring of the Council's capital programme.

Councillor Reid, Chair

[The meeting started at 4.00 pm and finished at 4.25 pm].

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**Executive Member Decision Session -  
Neighbourhoods****18 May 2010**

Report of the Director of Communities and Neighbourhood Services

**Major Carriageway Patching Repairs of the Damage to the Highway  
caused by the Extreme Winter Weather of December 2009 and  
January 2010****Summary**

1. This report informs the Executive Member on the progress made in repairing the damage to the highway caused by the recent extreme weather conditions and how the additional Department of Transport and City of York Council capital funding is proposed to be used.

**Background**

2. The winter of 2009/10 has been established nationally to be the worst winter weather conditions for over 30 years. During December and January of this period the City of York Council area encountered 20 days of heavy snow and ice accumulations with temperature dropping to –13 degrees centigrade.
3. The accumulation of snow, ice and low temperature has had a detrimental affect on the condition of the carriageway surface and has resulted in over 7,000 potholes being identified during this period alone.
4. Under normal conditions Highway Maintenance Services (HMS) have 3 tarmac patching gangs working repairing potholes in both the carriageway and footway. Since January 2010 HMS has employed on average of 5 gangs solely repairing potholes in the carriageway. During this period only emergency repairs were being carried out on the footway which has resulted in a backlog of basic maintenance works.
5. The cost of providing the additional gangs between January and March this year was £48,500. In addition to the extra gangs during this period a proprietary treatment called 'Jet Patching' was commissioned and undertaken by a private contractor at a cost of £22,600.
6. The increase in the cost of repairs is being felt nationally and there has been lobbying by public and private bodies for the Government to provide emergency funding to councils to carry out the work. The Council has also

made provisional applications for funding under the Bellwin and Emergency Capital Highway Maintenance schemes.

7. Due to intense lobbying and the number of emergency funding requests from local council's the Government announce in the budget on 24 March that £100 million was being made available nationally to fund repairs to the damaged highway caused by the extreme winter weather of 2009/10. A letter from the Department of Transport dated 25 March 2010 indicated that the City of York Council would receive from this fund an amount of £204,800. The funding will be distributed as revenue grant under section 31 of the Local Government Act 2003. All other applications for emergency funding have been declined.
8. At the Executive Members Decision Session on 24 March 2010 the Annual Highway Maintenance Report was approved and within it there is a capital funding allocation of £200,000 for major patching.

### **Proposals**

9. The total available 2010/11 budget allocation for major carriageway patching caused by the extreme winter of 2009/10 is £404,800.
10. It is proposed to extend the increase of 5 gangs allocated on pothole repairs till the end of May. It is envisaged by the end of May that the amount of potholes requiring repair will be back to normal levels where basic maintenance budgets can be used. The cost per week of the 2 additional gangs including plant and materials is approximately £8,000. The period in question equates to 10 weeks and therefore the total additional cost of repairing the potholes is £80,000.
11. Although the repairs of the potholes will make the carriageway safe for the public to use there is a need to undertake more major patching to maintain the integrity of the carriageway surfacing layer and to catch up with the backlog of less urgent repairs.
12. The major patching include areas where there is a cluster of potholes and visible evidence of surface cracking that will develop into potholes in the near future. The width of the patching will be a minimum of half a lane so that no joint is on a vehicle wheel track. The maximum size of a patch is to be restricted to 500m<sup>2</sup> as anything larger needs to be assessed for inclusion in the surfacing programme for 2011/12. Where a surfacing scheme is identified this year after the annual assessment and it includes areas that have been patched as part of this programme, they will remain in-situ and will not be removed.
13. A list of identified major patching works can be found in annex A. At the time of writing this report the list is not complete. It is envisaged that additional areas of major patching will be identified in the annual condition survey that is proposed to start in May and ad-hoc inspections of reports from the public.

14. It is therefore proposed to fund the additional 2 gangs working on potholes repairs until end of May at a cost of £80,000 and the remaining £324,800 be allocated to major patching works.

### **Consultation**

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

### **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 2 streams of funding have been approved for 2010/11. Failure to repair the potholes will result in an increase in insurance claims and potential payments.

#### **Human Resources (HR)**

14. There are no HR implications identified in this report.

#### **Equalities**

15. The work carried out will benefit all highway users.

#### **Legal**

16. The Council has a statutory duty to carry out highway maintenance under Section 41 of the Highways Act 1980.

#### **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

Mr D Atkinson  
Chief Executive  
City of York Council  
Guildhall,  
YORK  
North Yorkshire YO1 1QN

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 extend the period of the 2 additional gangs until end May 2010 to remove the backlog of pothole repairs. The remainder of the funds to be allocated to a programme of major carriageway patching.

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

**Wards Affected:**

All

For further information please contact the author of the report

### Background Papers:

Letter from Department for Transport dated 25 March 2010

### Annexes

Annex 1 – Schedule of Major Patching.



## Major Patching Schedule 2010/11

## Annex A

| Street                     | Location   | Ward                                 | Total Patch Area (m2)* | Estimated cost (£) |
|----------------------------|--|--------------------------------------|------------------------|--------------------|
| Acomb Road                 | Opposite Holgate Methodist Church                            | Holgate                              | 60                     | 1,500              |
| Acomb Road                 | Opposite Spa to C.G.T.V Electricals                          | Holgate                              | 160                    | 4,000              |
| Acomb Road                 | Junction Holgate Road at lights                              | Holgate                              | 50                     | 1,250              |
| Alness Drive               |  | Dringhouse & Woodthorpe              | 320                    | 8,000              |
| Beckfield Lane             | Junction Weatherby Road Roundabout/Opposite 2 Beckfield Lane | Acomb                                | 80                     | 2,000              |
| Brockfield Park            | Outside Shops  | Huntington & New Earswick            | 240                    | 6,000              |
| Burnholme Drive            |  | Heworth                              | 220                    | 5,500              |
| Cliford Street             |  | Guildhall                            | 1054                   | 26,350             |
| Dales Lane                 |  | Heworth                              | 175                    | 4,375              |
| Elvington Lane             |  | Derwent                              | 470                    | 11,750             |
| Foxwood Lane               | Between Lighting Colombs 9 and 11                            | Westfield Ward                       | 280                    | 7,000              |
| Foxwood Lane/Askham Lane   | Roundabout   | Rural West York                      | 200                    | 5,000              |
| Front Street               | Opposite Ladbrokes at Pedestrian Crossing                    | Acomb                                | 102                    | 2,550              |
| Front Street               | Opposite Acorn Meat to Superdrug                             | Acomb                                | 150                    | 3,750              |
| Gale Lane                  | Opposite 149/153   | Acomb                                | 90                     | 2,250              |
| Hawthorn Terrace           | Side of Shops  | Huntington & New Earswick            | 170                    | 4,250              |
| Hawthorn Terrace (central) |  | Huntington & New Earswick            | 296                    | 7,400              |
| Hazel Garth                |  | Heworth Without                      | 120                    | 3,000              |
| Heworth Village            | Junction with Hempland Avenue                                | Heworth                              | 231                    | 5,775              |
| Highthorne Road            |  | Huntington & New Earswick            | 336                    | 8,400              |
| Hob Moor Drive             |  | Holgate                              | 275                    | 6,875              |
| Longwood Road              |  | Clifton                              | 780                    | 19,500             |
| Malton Road                | In Bound Bus Lane adjacent Laburnum Garth                    | Heworth/Heworth Without              | 406                    | 10,150             |
| Malton Road                | Opposite Elmfield Avenue                                     | Heworth/Heworth Without              | 50                     | 1,250              |
| Malton Road                | Out Bound adjacent Laburnum Garth                            | Heworth/Heworth Without              | 209                    | 5,225              |
| Melrosegate                | Junction with Fith Avenue                                    | Heworth                              | 1000                   | 25,000             |
| Monkton Road               | On bends, Junction with Elmfield Avenue                      | Heworth                              | 264                    | 6,600              |
| Naburn Lane                | Under Railway Bridge   | Wheldrake                            | 60                     | 1,500              |
| Naburn Lane                |  | Wheldrake                            | 500                    | 12,500             |
| Poppleton Road             | Junction Howe Hill Road/Ash Street                           | Holgate                              | 84                     | 2,100              |
| Rawcliffe Lane             | Reighton Avenue to Roundabout                                | Skelton, Rawcliffe & Clifton Without | 900                    | 22,500             |

## Major Patching Schedule 2010/11

## Annex A

| Street           | Location                 | Ward                      | Total Patch Area (m2)* | Estimated cost (£) |
|------------------|--------------------------|---------------------------|------------------------|--------------------|
| Skeldergate      | Under Bridge             | Mickelgate                | 220                    | 5,500              |
| Station Avenue   |                          | Huntington & New Earswick | 770                    | 19,250             |
| Stockton Lane    |                          | Heworth Without           | 100                    | 2,500              |
| Westwood Terrace |                          | Mickelgate                | 600                    | 15,000             |
| Wigginton Road   | Bumper Castle to Railway | Haxby and Wigginton       | 300                    | 7,500              |
| Wigginton Road   | Opposite Roundtrees      | Haxby and Wigginton       | 160                    | 4,000              |
| Willow Bank      |                          | Huntington & New Earswick | 800                    | 20,000             |
| Yarburgh Way     |                          | Hull Road                 | 400                    | 10,000             |
|                  |                          |                           | <b>Total</b>           | <b>317,050</b>     |

\* Note - Total area may include more than one patch

*Department for*  
**Transport**

Mr D Atkinson  
Chief Executive  
City of York Council  
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John Dowie  
Director  
Regional and Local Transport Delivery  
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Web Site: [www.dft.gov.uk](http://www.dft.gov.uk)

25 March 2010

Dear Chief Executive,

You will have seen in yesterday's Budget that the Chancellor has announced £100 million of funding for local authorities to repair the damage to their highways, following the extreme winter weather that we experienced over the past few months. This funding is exceptional, recognizing that this has been the most prolonged period of severe winter weather for 30 years. I am writing to set out how arrangements for distributing this funding will operate in England.

Of the £100 million announced yesterday, the Department for Transport will be distributing £84 million to English local highway authorities (including London), with the remainder being made available to the devolved administrations. We are conscious of the need to make early progress in delivering the repairs, and we therefore propose to distribute the funds formulaically, based on the road length component of the Department's highways maintenance capital funding formula. This means that your authority will receive £204,800 in the financial year 2010/11.

The funding will be distributed as revenue grant under section 31 of the Local Government Act 2003. We will attach conditions to the grant requiring that it be spent on repairs to the authority's highway network resulting from, or worsened by, the 2009/10 winter weather. In the interests of transparency we will also require each authority to provide by 31 October 2010 a brief public statement (say two pages, made available on the local authority's website and copied to the Department) of how it has spent the money.

While an *ad hoc* patching approach to filling individual holes in the carriageway is possible (and some authorities will have already done some of this to make repairs which needed doing for immediate safety reasons), the Department is eager to see authorities use this additional funding in a way that will maximise the benefits to the road user over the longer term. Although the sums are being distributed as revenue funding, there is no reason why they should not be spent on (and accounted as) capital works, where this will provide a better, lasting solution. No council will wish to see repair works done over the summer unravel in the autumn, through the effects of heavy traffic or the weather, simply because they were hastily done.

In future, authorities will be expected, especially in the light of climate change and the need for them to take account of adaptation, to build in resilience as part of their overall

maintenance programme. This country has now seen two severe winters in succession. It will, of course, be for each local authority to review its operations and make adjustments in plenty of time for next winter. Those who have not yet done so might usefully consider the recommendations in the UK Roads Liaison Group's *Lessons from the Severe Weather February 2009*. The Secretary of State will shortly announce details of a review of how the country's transport networks coped with this winter and further lessons for the future.

Although it is difficult to demonstrate a formal causal link, there is evidence that where roads have been properly maintained, winter weather has much less opportunity to do damage. While there will doubtless be severe winters in the future, yesterday's Budget announcement is not a promise that Government will be able to assist with recovery in the same way, particularly where authorities appear not to have taken this lesson to heart.

I hope that this additional investment in your highways network will assist in helping you to maintain it effectively.

Yours faithfully

A handwritten signature in black ink, appearing to be 'J Dowie', with a horizontal line underneath.

**J Dowie**  
**Director Regional and Local Transport Delivery Directorate**



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**Decision Session – Executive Member for Neighbourhoods****18<sup>th</sup> May 2010**

Report of the Director of Communities and Neighbourhoods

**Mid-Summer Clean-up Campaign****Summary**

1. This report provides the Executive Member for Neighbourhoods with a summary of the work to be undertaken during June under the banner of the Mid-Summer Clean-up Campaign. It outlines how we will engage with the voluntary sector, and communities and how we will look to partner with the Campaign to Protect Rural England (CPRE).
2. This work builds on the success of recent years with the positive direction of travel of the NI195 performance indicators and increasing levels of satisfaction with local cleanliness.

**Background**

3. York is a fabulous place to live, work or visit. Everyone benefits from the superb environment both in the city and within the neighbourhood areas. However similar to most Council's in the UK York does suffer from relatively small amounts of environmental crime, which impacts negatively on the 'liveability' of the areas.
4. The importance of providing a clean, safe and green environment for residents continues to rise up the national agenda. This is also a vital local issue as in all of the community surveys carried out by the Council, residents identify services involving the local cleanliness as being one of their top priorities.
5. As Communities and Neighbourhoods, we are focused on improving the local, natural and built environment whilst celebrating everything that is good about our historic city. It is important that work continues to find suitable solutions to local environmental issues and concerns whilst promoting everything that is good about our city to our residents and visitors alike, so that the high levels of employment, satisfaction, investment and success can continue.
6. This campaign will engage with local residents and businesses to become involved with their local area. By partnering with CPRE we can learn from their experiences, and involve the voluntary sector in this year of the volunteer.

The teams will focus on key 'hot spots' across the city and will look to residents to identify and report issues in their local area. Demonstrating our commitment to the 'clean-up', will allow residents to take a collective interest and responsibility for their local environment and make this 'real' for all concerned.

## **The Campaign**

7. The month long campaign will focus on cleaning York's open spaces and riversides, back lanes, road islands, verges and street furniture. In mid to late May there will be press releases and information sent to ward members informing residents how to report their local cleanliness issues. The Press will be encouraged to take before and after photos whilst publicising some of the problems that are causing the issues. The clean-up campaign will be carried out throughout the month of June.
8. We will encourage schools, youth groups, community groups and others who wish to improve their local area to take part, either by being involved with the work we set up, or we will support them in setting up and delivering their own ideas.
9. All staff across the council will be encouraged to be the 'eyes and ears' for the street level services, by reporting issues and incidents as they see them.
10. Street Environment Officers will work with the Enforcement Officers by undertaking inspections of the city and ward areas and take appropriate enforcement action. The patrols will also cover areas known to be problematic for dog fouling and will visit schools as part of the campaign where children can contribute their thoughts.
11. It is hoped that the campaign will result in the creation of 'street champions' who will help the Council to identify hotspots, problem areas and generally help to create ownership within the community of environmental issues.
12. The campaign will pay particular attention to the city centre as we enter the peak of the tourist season. The campaign will include high level enforcement of fast food and commercial outlets whilst engaging with the local media to help create awareness of the importance of keeping our city clean.
13. But we won't stop there, to maintain momentum at the end of our campaign, we have applied to the Keep Britain Tidy Group who are looking to work in partnership with approximately ten local authorities. If we are successful, outdoor advertising will run in partner authority sites for around four weeks during July. The campaign will target Keep Britain Tidy's 'Guilty' segment. The audience will be primarily younger (18-24) with males and female focused marketing approaches.

## Options

14. There are 2 options for the Executive Member to consider:
15. Keep the existing arrangement of schedules cleans and responding to customer complaints and requests for service.
16. Carry out the month long campaign to clear the 'hot spots' identified by resident and try to use this as a platform to build on local ownership.

## Corporate Priorities

17. The Without Walls Sustainable Community Strategy 2008-2025 provides a sustainable framework which aim for York to be a city that is thriving, is sustainable and is safe. This campaign will contribute to all these aims.

## Implications

**Financial** - All work and promotional activity with by funded within existing budgets.

**Human Resources (HR)** – No HR implications

**Equalities** – an Equalities Impact Assessment will be undertaken prior to the commencement of the work.

**Legal** - There are no implications in this report.

**Crime and Disorder** - There are no implications in this report.

**Information Technology (IT)** - There are no implications in this report.

**Property** - There are no implications in this report.

## Risk Management

18. The risks associated with this report are low, being at levels 1 – 3.

## Recommendations

19. The Executive Member for Neighbourhoods is asked to consider the options outlined in this report and endorse the launch of the Mid-Summer Clean-up Campaign.

**Reason**

20. There will be significant environmental and Safer City implications that will benefit the City and its residents.

**Contact Details**

**Author:**

John Goodyear  
Assistant Director –  
Environmental Services  
Tel No 553204

**Chief Officer Responsible for the report:**

Sally Burns  
Director of Communities and Neighbourhoods

**Report Approved**  *tick* **Date** *Insert Date*

*Chief Officer's name*  
*Title*

**Report Approved**  *tick* **Date** *Insert Date*

**Specialist Implications Officer(s)**

*Financial*  
*Rachel Harrison*  
*Finance Manager*  
*Tel No 553210*

*Enforcement*  
*Liz Levett*  
*Head of Parking and Enforcement*  
*Tel No 553101*

**Wards Affected:** *List wards or tick box to indicate all*

**All**

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

**Supporting Papers:**





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**Decision Session - Executive Member for Neighbourhoods****18<sup>th</sup> May 2010**

Report of the Director of Neighbourhood Services

**Neighbourhoods & Community Safety Group Legal Actions****Summary**

1. The purpose of this report is to enable the Executive Member for Neighbourhoods to review 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 1<sup>st</sup> January 2010 – 31<sup>st</sup> March 2010 and approve the continuation of the current policy on legal actions.

**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 1<sup>st</sup> January 2010 – 31<sup>st</sup> March 2010. 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. Two corporate priorities are “To reduce 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
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 approve this report and the continuation of the current policy on legal actions.

Reason: so that the Executive Member reviews formal enforcement activity undertaken by the Neighbourhoods and Community Safety Group.

**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

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 1<sup>st</sup> January 2010 – 31<sup>st</sup> March 2010

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## Formal Enforcement Action 1<sup>st</sup> January 2010 – 31<sup>st</sup> March 2010

### Animal Health

| Defendant                                  | Legislation  | Nature of Case | Penalty          | Costs   |
|--|--|----------------|------------------|---------|
| Keith HARRISON<br>(Private Individual)     | Dogs Act 1871 as amended by<br>Dangerous Dogs Act 1989 | Dangerous Dog  | Control<br>Order | £400.00 |
| Caroline NICHOLSON<br>(Private Individual) | Dogs Act 1871 as amended by<br>Dangerous Dogs Act 1989 | Dangerous Dog  | Control<br>Order | £230.00 |
| Tracey SMITH<br>(Private Individual)       | Dogs Act 1871 as amended by<br>Dangerous Dogs Act 1989 | Dangerous Dog  | Control<br>Order | £337.84 |
| Michael SOUTHERN<br>(Private Individual)   | Dogs (Fouling of Land) Act<br>1996                     | Dog Fouling    | Fine<br>£50.00   | £315.50 |

8 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

| Defendant   | Legislation                                | Nature of Case  | Penalty         | Costs   |
|---|--|---|-----------------|---------|
| Jacqueline HOGG<br>(Director and<br>Secretary of<br>Finch's Ltd trading as<br>Alley Cats) | Food Hygiene (England)<br>Regulations 2006 | Failed to comply with<br>food hygiene notice/<br>dirty premises and<br>equipment/<br>possessed food after<br>the 'use-by' date. | Fine<br>£600.00 | £200.00 |

2 simple cautions were issued under the Food Hygiene (England) Regulations 2006 for poor hygiene/failing to put in place, implement and maintain a food safety management system.

2 simple cautions were issued under the Food Safety Act 1990 for falsely describing gin.

### 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  |
|---|--|--|---------------------------------------|--------|
| Kelly Marie<br>HARDWICK<br>(Private Individual) | Environmental<br>Protection Act 1990<br>as amended | Breach of an abatement<br>notice for noise<br>nuisance | 12 months<br>conditional<br>discharge | £50.00 |

2 simple cautions were issued under the Environmental Protection Act 1990 as amended for breach of an abatement notice for noise nuisance.

**Trading Standards**

| <b>Defendant</b>                    | <b>Legislation</b>         | <b>Nature of Case</b>                             | <b>Penalty</b>                  | <b>Costs</b>                                  | <b>Compensation</b> |
|-------------------------------------|----------------------------|---|---------------------------------|---|---------------------|
| *Gillian FEATHERS<br>(E-bay Trader) | Proceeds of Crime Act 2002 | Sold/exposed for sale/possessed counterfeit goods | See below                       | £2,500.00<br>Confiscation Order<br>£11,999.98 | N/A                 |
| *Paul HOUSE<br>(E-bay Trader)       | Proceeds of Crime Act 2002 | Sold/exposed for sale/possessed counterfeit goods | See below                       | £2,500.00<br>Confiscation Order<br>£14,143.15 | N/A                 |
| Jane STARKS<br>(Car Boot Trader)    | Trade Marks Act 1994       | Sold/exposed for sale/possessed counterfeit goods | 12 months conditional discharge | £540.56                                       | N/A                 |

On the 12<sup>th</sup> October 2009 Gillian FEATHERS and Paul HOUSE were found guilty under the Trade Marks Act 1994 and each given a 12 months community order with 150 hours unpaid work.

11 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. |
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