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MEETING	EXECUTIVE MEMBER FOR NEIGHBOURHOODS AND ADVISORY PANEL
DATE	8 JUNE 2006
PRESENT	COUNCILLORS LANCELOTT (CHAIR), POTTER, VASSIE (SUBSTITUTE FOR CLLR HALL), WALLER (EXECUTIVE MEMBER), AND B WATSON
APOLOGIES	COUNCILLOR HALL

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## **PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS**

### **1. Declarations of Interest**

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

No interests were declared.

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

RESOLVED: That the press and public be excluded from the meeting during consideration of annex 2 of agenda item 10 (Draft Final Accounts for 2005/2006 and Full Year Performance Statistics) (minute 10 refers) on the grounds that this information contained commercially sensitive data relating to the business affairs of the authority. This information was classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

### **3. Minutes**

RESOLVED: That the minutes of the meeting of the Executive Member for Commercial Services and Advisory Panel held on 7 March 2006 and the meeting of the Executive Member for Environment and Sustainability and Advisory Panel held on 8 March 2006 be approved and signed by the Chair and Executive Member as a correct record.

In answer to a question Officers confirmed

- i) That the report requested at the last meeting of the Commercial Services EMAP on 7 March 2006 relating to "The Procurement and Management of Sub-Contractors"

(Min 40(ii) refers) would be presented at the July meeting of the Panel.

- ii) That the service agreement for Street Cleansing would be presented to the Panel shortly, following input by the newly appointed Director of Neighbourhood Services.

#### **4. Public Participation**

It was reported that there had been two registrations to speak at the meeting under the Council's Public Participation Scheme.

Mr Jobson stated that since the introduction of the two weekly refuse collection he had requested a large refuse bin as the bin provided for his family size was insufficient for the waste they produced. He confirmed that his family also recycled as much as possible.

Officers confirmed that Mr Jobson had the correct size bin for his family size and that the 240 litre bin was for families of 5 or more. Officers agreed to forward Mr Jobson a copy of the policy on bin allocation according to number of family members.

Councillor Merrett addressed the Panel regarding agenda item 5 (Clementhorpe Flood Barrier – Aquabarrier Pilot Scheme) (minute 5 refers). He indicated that he welcomed the report but that his major concern was the height of the proposed barrier which he felt should be raised to give 1 in 100-year protection. If the recommendation was approved he asked Members to keep under review the provision of a barrier of increased height.

#### **5. Clementhorpe Flood Barrier - Aquabarrier Pilot Scheme**

Members received a report which advised them of the proposed offer by AquaBarrier-Systems Ltd, to provide a demountable flood defence system at Clementhorpe, at minimal cost to the Council, and sought approval to accept the offer.

Officers confirmed that, following the Micklegate Ward Committee meeting, and support for the Council to pursue an option to raise the protection level of the barrier to 100-year protection, AquaBarrier had investigated an extended height version of the barrier. It was indicated that this barrier was in the early stages of production and that it would be 2-3 years before trials could take place but that a higher version may be available at this time.

Officers also confirmed that in the meantime, if necessary, there were traditional methods to back up defences in the area.

Paragraph 11 of the report presented two options for consideration:

- Option 1 – a demountable flood defence to give protection against a river level of 10.20m AOD (ie: 1 in 50/60 year protection), which could be augmented with sandbagging when protection was required against a 1 in 100 year event. This option was proposed by AquaBarrier at minimal cost to the Council.

- Option 2 – not to proceed with the demountable flood defence scheme and to continue sandbagging, as at present, when floods occur.

#### Advice of the Advisory Panel

That the Executive Member be advised that Option 1 be approved, as detailed in paragraph 11 of the report, and the construction of the AquaBarrier-Systems Ltd. scheme to provide a demountable flood defence barrier proceed.

#### Decision of the Executive Member

RESOLVED: That the advice of the Advisory Panel be accepted and the suggested decision, above, be endorsed.

REASON: To give flood protection to the Clementhorpe area of York, within the funding arrangements currently available to the Council.

### **6. Crematorium Mercury Emissions**

Members received a report which informed them that new regulations had been introduced which required abatement technology to be installed in cremators to minimise the emission of mercury from crematoriums and sought advice on the options for modifying the existing equipment.

The report explained that The Federation of British Cremation Authorities had set up the Cremation Abatement of Mercury Emissions Organisation (CAMEO), which was a burden sharing scheme. The scheme aimed to safeguard the industry, in which 23% of existing crematoria could not physically install abatement plant, and to minimise additional costs for the bereaved.

Paragraphs 19-23 of the report presented five options for consideration:

- Option A – to do nothing.
- Option B – to seek a trading agreement through the CAMEO scheme.
- Option C– to install abatement equipment to deal with 50% of cremations.
- Option D– to install abatement equipment to deal with 100% of cremations and remove one cremator, so as to install the equipment.
- Option E – to install abatement equipment to deal with 100% of cremations and retain three cremators.

Members referred to problems encountered with the York cremators earlier in the year at the Crematorium when use had to be made of facilities in Leeds adding to the distress of bereaved families. In view of these problems and to give security for the future

Councillor Potter then moved and Councillor B Watson seconded that:

“The Executive Member be advised to accept Option E to install abatement equipment to deal with 100% of cremations and retain three cremators”

On being put to the vote, the motion was declared LOST.

#### Advice of the Advisory Panel

That the Executive Member be advised:

- (i) That the intention to install mercury abatement equipment be indicated to the Council’s regulator under the Environmental Protection Act (City of York Council Environmental Protection Unit);
- (ii) That the preferred option be Option D as indicated in paragraph 22 of the report;
- (iii) That Officers be instructed to proceed with obtaining accurate costings for the approved option, which would form part of the budget submission for 2007/08;

#### Decision of the Executive Member

RESOLVED: That the advice of the Advisory Panel be accepted and the suggested decisions, above, be endorsed.

REASON: To enable the Council to meet the highest targets of the government’s commitment to mercury abatement and satisfy future legislative requirements.

## **7. Environmental Health, Trading Standards and Licensing Prosecutions**

Consideration was given to a report which informed Members of the results of prosecutions undertaken by the Council’s environmental health, trading standards and licensing services.

Members paid tribute to the work of Officers in pursuing prosecutions which showed that the Authority took their responsibility of protecting the consumer seriously.

#### Advice of the Advisory Panel

That the Executive Member be advised:

- (i) That the contents of the report be noted and thanks Officers for their hard work in pursuing prosecutions.

#### Decision of the Executive Member

RESOLVED: That the advice of the Advisory Panel be accepted and the suggested decisions, above, be endorsed.

REASON: To update the Executive Member.

## **8. Enforcement of Excess Packaging Legislation**

Members received a report which informed them about the results of the excess packaging initiative undertaken by the trading standards service.

It was reported that the trading standards service would extend the project to York based businesses in 2006/07 and proactively gave advice on minimising packaging. The team would prioritise businesses producing high volume goods, and those businesses producing products which gave the most concern during the 2005/06 national packaging survey. The approach adopted would be provision of advice in the first instance, followed by formal action if appropriate.

Member indicated that one of the main problem areas relating to excessive packaging involved the major supermarkets and they questioned whether prosecutions could be undertaken against multi national chains which were beyond the authorities boundaries.

### Advice of the Advisory Panel

That the Executive Member be advised:

- (i) That the report be noted and Officers be asked to provide further updates on efforts by City of York Council to minimise packaging.
- (ii) That Officers focus on measures to reduce packaging used by multi national chains.
- (iii) That in future updates Officers include details of misleading packaging and the powers available to the authority.

### Decision of the Executive Member

RESOLVED: That the advice of the Advisory Panel be accepted and the suggested decisions, above, be endorsed.

REASON: To update the Executive Member with the results of the excess packaging initiative undertaken by the trading standards service.

## **9. Provisional Outturn - Finance and Performance for Environment and Sustainability Portfolio 2005/2006**

Members received a report which presented the draft outturn figures for revenue and capital expenditure for the Environment and Sustainability portfolio in 2005/06 and outturn performance against target for Best Value Performance Indicators, Customer First Targets (letter and telephone answering) and Staff Management Targets (sickness absence).

Members were advised to disregard pages 53-70 in Annex 1 of the report, as these were additional sheets inadvertently left in the Excel workbook and not intended for circulation.

Overall, the Environment and Sustainability Portfolio provisional revenue budget outturn was an under spend of £39k (-0.2% of the gross portfolio budget). There was also an under spend of £80k on the capital programme, of which £76.2k related to scheme slippage. The report considered the outturn position in terms of whether any variances highlighted were of a recurring nature that would affect 2006/07. The shortfall of income at the Crematorium and the Pest Control service had been addressed in the 2006/07 budget. The other significant overspends related to one-off expenditure at the Crematorium and the interim arrangements for toilet cleaning. The under spend in Waste Strategy due to reduced tonnages being sent for landfill suggested that the Waste Strategy budget was adequate for 2006/07.

Performance for Waste Strategy indicators were improving compared to the 2004/05 figures. Sickness absences were well below the corporate target of 12 days per Full Time Equivalent (FTE) for 2005/06. Customer First statistics were excellent in respect of correspondence with the exception of one problem service area (Waste Strategy) which was anticipating a future increase in performance for 2006/07.

Members congratulated Officers on bringing the budget close to target and for tripling the recycling rate in the year. The only concerns related to Air Quality Management in the Lawrence Street area, the decline in some areas regarding satisfaction with local tips/recycling and the number of staff days lost due to sickness.

#### Advice of the Advisory Panel

That the Executive Member be advised that the financial and performance position of the portfolio be approved.

#### Decision of the Executive Member

RESOLVED: That the advice of the Advisory Panel be accepted and the suggested decisions, above, be endorsed.

REASON: In accordance with budgetary and performance monitoring procedures.

### **10. Draft Final Accounts for 2005/2006 and Full Year Performance Statistics**

Members received a report which advised them of the draft financial outturn for 2005/06 for Commercial Services, alongside the full year service performance statistics.

Commercial Services had made a surplus of £398k on its trading activities, against an approved budget of £139k. This was achieved despite

pressures on expenditure caused by substantial rises in fuel prices and a significant rise in the monitoring and replacement of equipment and health surveillance for staff, as a result of the European Physical Agents (Vibration) Directive and the implementation of the Control of Vibration at Work Regulations 2005 in the UK. This level of the surplus had been achieved through aggressive expenditure controls and the withholding of the vehicle replacement programme. This decision had affected the Civil Engineering department, where the replacement of six gritters and two gully tankers had been held over into the 2006/07 financial year.

There were currently eighty service performance measures for Commercial Services, most of which were close to or exceeding their targets. There were a small number of areas of delivery which required attention and many examples of service excellence. Annex 1 of the report set out details of performance against each individual target.

In answer to questions relating to targets indicated by an arrow showing direction of travel of the target, Officers agreed to circulate Members further details of those relating to Civils.

Officers confirmed that the recommendation relating to the retention of the £103,000 in reserves, pending the findings of the depot fire investigation or whether to release it back to the General Fund was an Executive decision which could not be made by the Executive Member.

#### Advice of the Advisory Panel

That the Executive Member be advised that the contents of the report be noted;

#### Decision of the Executive Member

RESOLVED: That the advice of the Advisory Panel be accepted and the suggested decision, above, be endorsed.

REASON: To update the Executive Member;

CLLR M LANCELOTT  
Chair of Advisory Panel

CLLR A WALLER  
Executive Member Neighbourhood Services

The meeting started at 5.00 pm and finished at 6.50 pm.