
MEETING	EXECUTIVE
DATE	9 JUNE 2009
PRESENT	COUNCILLORS WALLER (CHAIR), AYRE, STEVE GALLOWAY, MOORE, REID AND RUNCIMAN
APOLOGIES	COUNCILLOR MORLEY

9. 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.

10. MINUTES

RESOLVED: That the minutes of the Executive (Calling In) meeting held on 19 May 2009 and the Executive meeting held on 26 May 2009 be approved and signed by the Chair as a correct record.

11. PUBLIC PARTICIPATION

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

Denise Craghill spoke in relation to agenda item 6 (Update on the Sustainable Communities Act 2007: Public Consultation). She raised concerns regarding the 'sifting' process undertaken in relation to the proposals received, stating that, due to a misunderstanding of the Act, this had resulted in the mistaken exclusion of about 45 proposals on the basis that they related to national issues. It had also reduced the number of proposals available for public consideration, when the Council had a duty to ensure consultation on a broad range of suggestions. She asked that the list of proposals to be submitted for further consultation be amended accordingly.

12. EXECUTIVE FORWARD PLAN

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

13. MINUTES OF WORKING GROUPS

Members considered a report which presented the draft minutes of the meetings of the Young People's Working Group and the Social Inclusion Working Group held on 22 April 2009 and 13 May 2009 respectively. These were attached as Annexes A and B to the report.

Members were asked to decide whether they wished to respond to any of the advice offered by the Groups. In particular, they were asked to consider the recommendation of the Young People's Working Group that the membership of the Group be increased to 7 to include the Children and Young People's Champion (Minute 25 in Annex A refers).

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

RESOLVED: (i) That the minutes attached as Annexes A and B to the report be noted.

(ii) That, in relation to the recommendation in Minute 25 of the Young People's Working Group, the Group be asked to consider the Executive's suggestion that the Young People's Champion be appointed as a non-voting, co-opted member, so as not to upset the political balance of the Group.¹

REASON: In accordance with the requirements of the Council's Constitution in relation to the role of Working Groups.

Action Required

1. Refer this suggestion to next meeting of Young People's Working Group. GR

14. UPDATE ON THE SUSTAINABLE COMMUNITIES ACT 2007 (PUBLIC CONSULTATION)

Members considered a report which provided an update on the outcome of the public consultation on the Sustainable Communities Act (SCA) 2007 and details of the next steps in the consultation process.

In accordance with the motion approved by Full Council on 27 November 2008 and the process agreed by the Executive on 14 April 2009, the Neighbourhood Management Unit (NMU) had led a city-wide consultation using a variety of methods, including discussion at ward committees and a dedicated web page. As a result, 327 proposals for local sustainability had been received in total from individuals, community groups and parish councils. These had been reviewed by a cross-directorate Officer project group, the Corporate Management Team (CMT) and individual Directors, who had determined that 46 of the proposals fell within the scope of the SCA 2007.

The 46 proposals were detailed in Annex 1 to the report and Members were invited to advise which, if any, of these should *not* go forward to the

next stage of consultation. The remainder would be discussed by the Without Walls Executive Delivery Board on 15 June and by the Citizens' Panel on 18 June. Comments made at these meetings would be reported back to the Executive on 21 July, together with information on financial and legal implications relating to the proposals. The Executive would then have a final opportunity to select the proposals for submission to the Local Government Association (LGA) by the deadline of 31 July. Draft details of the information required by the LGA in respect of this submission were attached at Annex 2.

With reference to the comments made under Public Participation, Officers confirmed that they believed the consultation requirements of the Act had been fully complied with. There was a need to be selective with regard to the proposals put forward, not least because each proposal submitted to the LGA would require a 10 page form to be completed, and must be supported by additional information of up to 6,000 words. Members noted that there would be no objections to making all 327 proposals publicly available on the Council's website.

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

RESOLVED: (i) That the information provided in paragraphs 4-11 of the report, concerning the outcome of the public consultation exercise undertaken, be noted.

REASON: For information, and to be clear that the consultation has complied with the requirements of the Council motion, with discussion on the topic at all ward committees across the City.

(ii) That the response to the consultation after Officer, CMT and Director screening, as detailed in Annex 1 to the report, be noted.

(iii) That the next steps in the consultation process, as detailed in paragraphs 12-14, be noted and approved and that, in addition, the Council's website be used to consult more widely on the shortlisted proposals.

REASON: For information, and to enable a wider section of the public to comment on the proposals.

(iv) That all of the proposals detailed in Annex 1, with the exception of no. 256, be taken forward to the next stage of consultation.¹

REASON: In accordance with the screening process carried out by Officers and to commence dialogue on these proposals with the LSP and the Citizen's Panel, the results of which will be reported back to Executive on 21 July.

(v) That the proposals set out in the additional annex (Annex 3), which will be published on-line with the agenda for

this meeting,* also be taken forward to the next stage of the consultation.²

REASON: The Executive considers that these issues are also worthy of public consultation under the Act.

(vi) That proposal no. 256 be referred to Haxby Town Council and Wigginton Parish Council for their consideration.³

REASON: To enable this proposal to be dealt with at an appropriate level.

(vii) That the suggestions for planting fruit and nut trees be referred to City Strategy department, so that consideration can be given to amending the appropriate planning guidance.⁴

(viii) That the suggestions for improved sustainable building methods be referred to City Strategy department, so that consideration can be given to amending the appropriate planning guidance.⁵

(ix) That the suggestions for a community orchard / market garden be referred to the department for Learning, Culture and Children's Services, so that Officers can carry out a feasibility study.⁶

REASON: To enable these suggestions to be considered under the Council's existing powers.

**Note: this annex has now been published with both the agenda and the minutes for this meeting.*

Action Required

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| 1. Take the proposals in Annex 1 (except no.256) to the next consultation stage | KS |
| 2. Take the proposals in Annex 2 to the next consultation stage | KS |
| 3. Refer proposal no. 256 to Haxby Town Council and Wigginton Parish Council | KS |
| 4. Refer these suggestions to City Strategy | KS |
| 5. Refer these suggestions to City Strategy | KS |
| 6. Refer these suggestions to LCCS | KS |

15. WATER MANAGEMENT (INCLUDING LEGIONELLA)

Members considered a report which outlined importance of managing the disease Legionella and the standards expected, and sought approval for a proposed structure and funding arrangements to enhance the water management framework at the Council.

A public enquiry held following an outbreak of Legionnaires' disease in Barrow-in-Furness in 2002 had identified the need for more effective water management, resulting in a number of new codes of practice and directives. The legal duties in respect of Legionella were set out in '*Legionnaires' disease – The control of Legionella bacteria in water systems. Approved Code of practice and guidance*', commonly referred to as 'L8'. The Council had already acted positively to reduce the risk of Legionella but was still not fully compliant with L8. Action was needed to ensure that all 'priority one' actions identified through risk assessments were implemented, that monitoring checks were carried out consistently as required and that the appointed 'responsible person' had sufficient resources to fulfil the legal requirements.

It was proposed that the following actions be implemented to ensure compliance:

- Creating a new post of Assistant Compliance Officer *or* purchasing specialist expertise to support the compliance team;
- Recruiting an in-house team to manage and perform the monitoring checks *or* using a specialist contractor to do this (the latter being the recommended option as the contractors would have a trained, skilled and efficient resource available immediately);
- Ensuring that the responsible person has sufficient resources to fulfil the legal requirements.

Cost associated with compliance were detailed in Annex A to the report.

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

RESOLVED: (i) That the importance of water management, and particularly the management of Legionella, be acknowledged.

(ii) That the management framework described in the report be approved, including:

- a) recruitment / procurement of the specialist support required to undertake works to fulfil the water management obligations of the 'Responsible Person' within Property Services;¹
- b) employment of a specialist contractor to undertake all monitoring activities;²
- c) provision of sufficient resources, through re-prioritisation, to fulfil the Council's legal requirements.³

REASON: To ensure that the Council becomes compliant in its response to the risks associated with water management and particularly Legionella.

Action Required

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| 1. Make arrangements for the recruitment / procurement of specialist support | SA |
| 2. Make arrangements to employ a specialist contractor | SA |
| 3. Re-prioritise work to ensure the provision of sufficient resources to fulfil legal requirements | SA |

A Waller, Chair

[The meeting started at 2.00 pm and finished at 2.35 pm]

SCA - Additional Proposals for Further Consultation

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

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

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

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