



## Notice of meeting of

### Executive Member For Neighbourhood Services and Advisory Panel

**To:** Councillors Bowgett (Chair), Ayre (Vice-Chair), Crisp, Holvey, King, Reid (Executive Member), Taylor and Watt

**Date:** Thursday, 4 September 2008

**Time:** 5.00 pm

**Venue:** The Guildhall

### 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:

**10:00 am on Wednesday 3 September 2008**, if an item is called in *before* a decision is taken, *or*

**4:00 pm on Monday 8 September 2008**, 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. Exclusion of Press and Public**

To consider excluding the press and public from the meeting during consideration of annexes 2 and 3 of agenda item 9 (Finance and Performance Report: 2008/09 Quarter 1) on the grounds that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information). This information is classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

## **3. Minutes** (Pages 3 - 12)

To approve and sign the minutes of the meeting held on Thursday 5 June 2008.

## **4. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Panel's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 3 September 2008** at 5pm.

## **5. Smokefree Legislation Update** (Pages 13 - 18)

Further to consideration of a report which was brought to the Meeting of the Executive Member for Neighbourhood Services and Advisory Panel and approved on 7 June 2007, this report provides Members with an update on how smokefree legislation has been implemented in the City of York Council area.

## **6. Regional Scambuster Team** (Pages 19 - 22)

This report informs Members of an initiative by the Department for Business, Enterprise and Regulatory Reform (BERR) to establish regional trading standards 'Scambuster Teams' to tackle cross boundary rogue trading and advises Members that City of York Council were successful in their bid to attract approximately £750k of grant funding over 3 years to establish and host a scambusting team on behalf of the Yorkshire and the Humber region.

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

This report informs Members 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 1<sup>st</sup> April – 30<sup>th</sup> June 2008.

**8. Air Quality Update** (Pages 29 - 36)

This report provides an update on the outcome of the recent Air Quality Support Grant (AQSG) applications made to the Department for Environment, Food and Rural Affairs (DEFRA), provides an overview of the planned expenditure of the AQSG and also a general update on local air quality management in York

**9. 2008-09 First Monitoring Report - Finance and Performance**  
(Pages 37 - 64)

This report informs Members of the latest projections for revenue and capital expenditure for the Neighbourhood Services portfolio, traded accounts and progress against the directorate plan priorities – including performance against target for the directorate's key performance indicators.

**10. Forward Plan**

To review the forward plan for the Executive Member for Neighbourhood Services and Advisory Panel for the 2008/09 municipal year.

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

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

- Telephone – (01904) 552030
- E-mail – [catherine.clarke@york.gov.uk](mailto:catherine.clarke@york.gov.uk) and [louise.cook@york.gov.uk](mailto:louise.cook@york.gov.uk)

(If contacting us by e-mail, please send to both Democracy Officers named above)

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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If you would, you will need to:

- 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);
- find out about the rules for public speaking from the Democracy Officer.

**A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088**

### Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

### 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 Advisory Panel (EMAP)) 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?**

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
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City of York Council

Committee Minutes

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MEETING	EXECUTIVE MEMBER FOR NEIGHBOURHOOD SERVICES AND ADVISORY PANEL
DATE	5 JUNE 2008
PRESENT	COUNCILLORS AYRE (VICE-CHAIR, IN THE CHAIR), CRISP, HOLVEY, KING, TAYLOR, WATT, SCOTT (AS A SUBSTITUTE FOR COUNCILLOR BOWGETT) AND WALLER (EXECUTIVE MEMBER)
APOLOGIES	COUNCILLORS BOWGETT AND REID

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### 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.

Councillor Scott declared a personal non prejudicial interest in Item 6 (Developments in Proceeds of Crime Legislation) and Item 8 (Neighbourhoods and Community Safety Group Legal Actions) as a solicitor although his firm did not do any criminal law work.

Councillor King declared a personal non prejudicial interest in item 13 (City of York Council Public Toilets Review – Update) as an honorary member of Access.

### 2. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting during consideration of annexes 2 and 3 to agenda item 7 (2007/08 Final Monitoring Report – Finance & Performance) (minute 87 refers) on the grounds that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information). This information was classed as exempt under Paragraphs 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: (i) That the minutes of the meeting of the Executive Member for Neighbourhood Services and Advisory Panel held on 19 March be approved as a correct record and signed by the Chair and Executive Member subject to Minute 77 (Forward Plan) being

amended as follows to reflect a change to the date for the following items to be included on the forward plan.

Regional Scambuster Team – *23 July 2008*  
Contaminated Land Investigation Grant – *5 June 2008*

(ii) That the minutes of the meeting of the Executive Member for Neighbourhood Services and Advisory Panel held on 11 April be approved as a correct record and signed by the Chair and Executive Member.

#### **4. PUBLIC PARTICIPATION**

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

#### **5. AWARD OF DEFRA GRANT FUNDING FOR THE INVESTIGATION OF POTENTIALLY CONTAMINATED LAND**

Members received a report which updated them on the successful outcome of a recent Contaminated Land Capital Grant Programme (CLCGP) application made to the Department for Environment, Food and Rural Affairs (DEFRA).

The report presented the following options for consideration:

- a) To accept the grant funding offered and undertake the detailed investigation
- b) Not to accept the grand funding offered

A plan showing the area of the proposed ground investigation at Fulford Cross was circulated to Members at the meeting. The Assistant Director (Neighbourhoods and Community Safety) advised the meeting that Officers had written to residents in the area to advise them of the proposed work and had not received any adverse comments.

#### Advice of the Advisory Panel

That the Executive Member be advised:

That Option A, to accept the grant funding offered and undertake the detailed investigation, be approved. <sup>1</sup>

#### Decision of the Executive Member

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

REASON: In order that the Council can investigate the land off Fulford Cross, in accordance with obligations place on the Council by Part IIA.



Action Required

1. To accept the grant funding and carry out the investigation

KS

**6. DEVELOPMENTS IN PROCEEDS OF CRIME LEGISLATION**

Members received a report which informed them of developments in the law aimed at the recovery of criminal assets and the disruption of crime.

The Assistant Director (Neighbourhoods and Community Safety) explained how the Proceeds of Crime Act 2002 enabled police and other enforcement bodies, like trading standards, to recover the criminal assets of those people living off the proceeds of crime. He explained how a system of incentivisation existed whereby half of any money recovered (and repaid) was retained by the government and the remaining half was divided equally between the court, the prosecuting body and the investigating body. Members expressed a view that the Council should have a bigger share of the funds.

Members welcomed the report and expressed their appreciation for the time and effort Officers had spent in the preparation of cases.

Advice of the Advisory Panel

That the Executive Member be advised:

That the content of this report be noted and the use of any monies received, in accordance with the Home Office Guidance, be approved.

Decision of the Executive Member

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

REASON: To ensure the Executive Member and Advisory Panel are informed of developments in proceeds of crime legislation and that monies received are allocated in accordance with Home Office guidance.

**7. 2007-08 FINAL MONITORING REPORT - FINANCE AND PERFORMANCE**

Members received a report which presented draft outturn figures for revenue and capital expenditure for the Neighbourhood Services Portfolio and set out progress against the directorate plan priorities, including annual performance against target for the directorate's key performance indicators.

The Directorate Finance Manager reported that an underspend of £162,000 was currently forecast, which was a variation of 1.2% on the net expenditure budget.

The Directorate Performance Manager highlighted areas of improved performance such as street cleanliness and recycling.

Members thanked staff for their hard work and efforts in improving the financial position and performance in the directorate.

Some Members expressed concern regarding the level of sickness absence and it was noted that changes to culture in relation to sickness absence and Health Safety took a long time to achieve.

Members requested circulation of a breakdown of expenditure by ward in relation to the ward committee budgets and the £23,000 underspend. <sup>1</sup>

Members expressed concern about the percentage of people living in York who felt safe and requested a breakdown of figures for this indicator relating to young people. <sup>2</sup>

Advice of the Advisory Panel

That the Executive Member be advised:

That the financial and performance position of the portfolio be approved and requests, subject to the approval of the Executive, be carried forward. <sup>3</sup>

Decision of the Executive Member

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

REASON: In accordance with budgetary and performance monitoring procedures.

Action Required

1. To circulate the breakdown of expenditure by ward in relation to the ward committee budgets and the £23,000 underspend as requested by Members. KS  
KS  
KS

2. To circulate a breakdown of figures to include young people for the indicator "% of people who feel York is a safe city to live in", as requested by Members.

To refer the carry forward requests to the Executive for approval.

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

Members received a report which informed them 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 1 January – 31 March 2008.

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 endorsed.

REASON: So that the Executive Member is updated on formal enforcement activity undertaken by the Neighbourhoods and Community Safety Group.

**9. PLASTIC BAG FREE CITY OF YORK - RESPONSE TO PETITION FROM THE RESIDENTS OF VARIOUS LOCATIONS ACROSS THE CITY, PRESENTED AT COUNCIL ON 10TH APRIL 2008**

Members received a report which had been prepared in response to a petition presented to council by Councillor Potter supporting a plastic bag free City of York and calling upon the Council to do all in its power to achieve this aim.

The Assistant Director (Environmental Services) reported that the next 3 year waste minimisation action plan would move this project forward and promote “Bag Free” areas across York where the use of reusable bags would be promoted with the aim of moving away from plastic bags.

Advice of the Advisory Panel

That the Executive Member be advised:

That the report be noted.

Decision of the Executive Member

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

REASON: In response to the petition.

**10. RETAIL ENFORCEMENT PILOT SCHEME**

Members received a report which explained how the Council’s environmental health, trading standards and licensing teams were implementing a Retail Enforcement Scheme to achieve compliance with the Regulator’s Compliance Code (RCC).

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 endorsed.

REASON: So that Members are aware of action being taken to meet the Council's obligations under the Regulator's Compliance Code.

**11. REFRESH OF NEIGHBOURHOOD SERVICES DIRECTORATE PLAN**

Members received a report which asked them to agree to a lightly refreshed version of the Neighbourhood Service directorate plan and which presented a small amount of updated information for a number of the service plans agreed by the Executive Member in January.

The report presented the options of supporting the proposals, supporting the proposals with amendment, or rejecting the proposals.

Advice of the Advisory Panel

That the Executive Member be advised:

- (i) That the updated Directorate Plan at Annex A be approved.
- (ii) That the updated service plan targets, set out in paragraphs 15 and 16 of the report, be approved.<sup>1</sup>

Decision of the Executive Member

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

REASON: To set out clear priorities, including key actions and measures, for Neighbourhood Services in 2008/09.

Action Required

- 1. To implement the plan.

KS

**12. UPDATE ON COLD CALLING CONTROLLED ZONES**

Members received a report which presented a six month review following the introduction of cold calling controlled zones in the city as requested at

the meeting of the Executive Member for Neighbourhood Services and Advisory Panel on 6 December 2007.

Advice of the Advisory Panel

That the Executive Member be advised:

That the report in relation to the development of Cold Calling Controlled Zones be noted.

Decision of the Executive Member

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

REASON: To comply with the decision of the Executive Member for Neighbourhood Services and Advisory Panel on 6<sup>th</sup> December 2007, which required a report to review the scheme after 6 months, and to enable the officers to develop the zones in response to demand and to reduce the concern in areas of doorstep crime in area where residents may be vulnerable.

**13. CITY OF YORK COUNCIL PUBLIC TOILETS REVIEW - UPDATE**

Members received a report which informed them as to the progress to date on the complete review of public toilet provision for York.

Members thanked Officers, in particular the Assistant Director of (Environmental Services), for their work to date and looked forward to considering the results of the review.

Members emphasised the need for any facilities to be fully accessible to all.

Advice of the Advisory Panel

That the Executive Member be advised:

That the project plan be noted.

Decision of the Executive Member

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

REASON: To inform the Executive Member of work completed to date.

**14. CITY WALLS REPAIRS AND MAINTENANCE**

Members received a report which updated them on the decision taken by the Executive on 11 March to agree a partnership arrangement between City Strategy and Neighbourhood Services for the future repair and maintenance of the City Walls.

Members welcomed the benefits of having the specialist knowledge and skills provided by the Ancient Monuments Team in house and stressed the importance of retaining this. They praised the links between the team and York College which had produced some skilled masons through the apprenticeship scheme.

Advice of the Advisory Panel

That the Executive Member be advised:

That the contents of the report contained as Annex 1 and the minute contained in Annex 2, both from the meeting of the Executive on 11 March, be noted.

Decision of the Executive Member

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

REASON: To ensure the City Walls are maintained to a consistently high standard.

**15. USE OF YORK PRIDE FUNDING TO IMPROVE ENVIRONMENTAL MAINTENANCE**

Members received a report which proposed a change to the current arrangements of utilising the York Pride budget to address the recommendation from the EnCams review to improve street washing to remove staining in heavy usage areas such as outside of shop fronts, at bus stops and areas close to litter bins and also requested £10,000 from this budget to support an initiative to tackle graffiti throughout the city working with partners.

The report presented Members with the option to either support both these proposals or alternatively support one or neither of them.

Officers circulated examples of “tagging” for Members’ information in relation to the graffiti database.

The Executive Member proposed that the funding of the Environment Maintenance Team from the York Pride Budget should be for one year only and then mainstreamed.

Some Members expressed the view that other sources of funding should be used such as the Business Growth Incentive Grant and following

approval by the Executive, the carry forwards. They also expressed the view that the Campaigns budget should be decreased to £24,000 in the light of this year's underspend.

Advice of the Advisory Panel

That the Executive Member be advised:

- (i) That it be agreed to top slice the York Pride budget by £10,000 on a one off basis in 2008/09 to support the development of a new graffiti database which will allow partners to tackle this problem more efficiently and effectively in future.
- (ii) That it be agreed to top slice the York Pride budget by £53,800 on a one off basis to fund the new Environmental Maintenance team
- (iii) That it be agreed to top slice the York Pride budget by £30,000 on a recurring basis to continue to fund campaigns.<sup>1</sup>

[Councillors Crisp, King and Scott wished it to be recorded that they voted against the above advice.]

Decision of the Executive Member

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

REASON: To improve environmental maintenance within the city including in its neighbourhoods and parishes.

Action Required

1. To adjust the appropriate budgets

KS

**16. FORWARD PLAN**

The Director of Neighbourhood Services advised Members that there were no items listed on the Forward Plan for the next meeting of the Executive Member for Neighbourhood Services and Advisory Panel on 23 July but that six reports were listed for the meeting in September.

Advice of the Advisory Panel

That the Executive Member be advised:

- (iv) That the update on the forward plan be noted
- (v) That the meeting of the Executive Member for Neighbourhood Services and Advisory Panel scheduled for 23 July be cancelled due to lack of business.<sup>1</sup>

Decision of the Executive Member

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

REASON: To inform Members

Action Required

1. To cancel the meeting scheduled for 23 July 2008. KS

COUNCILLOR A WALLER, EXECUTIVE MEMBER

COUNCILLOR N AYRE IN THE CHAIR

[The meeting started at 5.00 pm and finished at 8.15 pm].





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## Meeting of the Executive Member For Neighbourhood Services and Advisory Panel

4<sup>th</sup> September 2008

Report of the Director of Neighbourhood Services

### Smokefree Legislation Update

#### Summary

1. The implementation of the smokefree legislation was the subject to a report brought to the Executive Member for Neighbourhood Services Advisory Panel and approved on 7 June 2007.
2. The purpose of this report is to provide an update to Members on how smokefree legislation has been implemented in the City of York Council area.

#### Background

3. On 1 July 2007 England became smokefree. The legislation was primarily introduced to protect the health and safety of employees; second hand smoke was causing the death for 600 employees every year.
4. Responsibility for implementing smokefree was assigned to local authorities, who were given one-off grant funding by the Department of Health (DoH) to assist with the implementation of the legislation. The City of York Council grant was £93,756.

#### Implementing smokefree

5. Part of the DoH grant was used to employ two smokefree enforcement officers on one year temporary contracts (the last post finished on 29 May 2008).
6. Their initial task was to raise awareness and understanding of the smokefree legislation, particularly in the business sector. Prior to the commencement date of the legislation on 1 July 2007, the officers visited 735 premises in York to give advice and information on the requirements of smokefree.
7. A smokefree marketing plan was developed with assistance from the internal marketing and communications team. This plan included the following:
  - An advert for local radio was commissioned
  - Adverts were placed in relevant local publications
  - Press releases were issued to the local media and trade publications

- Information was placed on the City of York Council web site
  - Public displays were set up in the town centre, including use of the smokefree bus in the Parliament Street area.
8. There was a great deal of partnership working, involving external agencies such as the Primary Care Trust, and internal sections such as planning, building control, licensing and street environment.
  9. Although the council was already a smokefree organisation, the smokefree legislation meant the existing policies and procedures needed reviewing. Officers worked with human resources to ensure the new documentation was legally correct.

### **Inspections and enforcement**

10. To achieve a transparent and consistent approach to implementation of the legislation, an enforcement policy was agreed with other local authorities in North Yorkshire. This was approved by Members in the report presented on 7 June 2007.
11. One of the main tasks of the smokefree officers after 1 July was to visit premises to verify compliance with the legislation and provide advice where required. This resulted in over 3,000 visits to nearly 2,000 premises.
12. Officers found a high level of compliance after 1 July. Although occasional non-compliances were discovered, such as inappropriate signage or smoking shelters that were considered substantially enclosed, these were mostly dealt with in an informal manner and the necessary corrective action was taken.
13. At the time of writing this report, the council has received 27 complaints about smokefree in connection with public houses. The majority of complaints were from members of the public who had queries about the appropriateness of smoking shelters. Officers dealt with two incidents where landlords were allowing smoking in their premises. These were dealt with in accordance with the agreed enforcement policy. Following receipt of warning letters, no further incidents at the premises concerned are understood to have occurred.
14. The smokefree requirements also apply to taxis, public transport and other commercial vehicles. It is this area that most problems with compliance have been experienced.
15. Reports were received that a number of hackney carriage/private hire drivers were smoking in their taxis between fares, which is not permitted. This was despite a targeted campaign, including information being published in their trade magazine and on the trade web site. A decision was made to individually write to all drivers and issue them with a final warning in accordance with the enforcement policy.
16. Some drivers have still been witnessed smoking in their vehicles. This has resulted in 12 fixed penalty notices being issued.

17. Other areas of non-compliance includes individuals smoking in the Rougier Street bus shelter and the portico at York Railway Station. The problems at Rougier Street seem to have been largely overcome through the provision of prominent signage. There are still occasional breaches at York Railway Station and the matter has been raised with the management at the premises.

### **Compliance levels**

18. Since 1 July 2007, smokefree data has been provided to the DoH on a quarterly basis. This has consistently shown high levels of compliance.
19. A survey of York premises was undertaken during April and May 2008 to establish the levels of compliance with the smokefree requirements. This resulted in 67 randomly chosen premises being inspected. This survey found that:
  - Compliance rate for smokefree signage was 95%
  - Compliance rate for no smoking was 100%

### **Future regulation**

20. As the above figures show, the introduction of the smokefree legislation has been relatively smooth and trouble free. It now appears to have been accepted as a social norm, and evidence suggests that the legislation is now self regulating.
21. The smokefree officers posts were temporary one year contracts and have both come to an end. Although an occasional complaint is still being received, this work has been incorporated into the existing work load of enforcement officers in the health and safety team.
22. Officers from the licensing team are being trained on the smokefree legislation should any enforcement action by them be required.

### **Consultation**

23. None

### **Options**

24. Not applicable, for information only.

### **Analysis**

25. Not applicable, for information only.

### **Corporate Priorities**

26. The smokefree legislation has the potential to impact upon a number of the council's corporate priorities:

- Improving the condition and appearance of York's streets.
- Reducing the impact of nuisance behaviour.
- Improving the health and lifestyles of York residents.
- Improving the way the Council and its partners work together to deliver better services

### **Implications**

27. The assessment of implications is as follows:

- **Financial:** None
- **Human Resources (HR):** None
- **Equalities:** None
- **Legal:** None
- **Crime and Disorder:** None
- **Information Technology (IT):** None
- **Property:** None
- **Other:** None identified

### **Risk Management**

28. Not applicable

### **Recommendations**

29. That the Advisory Panel advise the Executive Member to note the contents of this report.

Reason: To update the Executive Member on how smokefree legislation has been implemented in the City of York Council area

**Contact Details**

**Author:**

Sean Suckling  
Food and Safety Unit Manager

(Phone: 551599)

**Chief Officer Responsible for the report:**

Andy Hudson  
Assistant Director  
(Neighbourhoods and Community Safety)

(Phone: 551814)

**Report Approved**

**Date** 14 July 2008

**Specialist Implications Officer(s):** None

**Wards Affected:**

All

For further information please contact the author of the report

**Background papers**

EMAP report "The implementation of smokefree legislation in England" - 7 June 2007

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## Meeting of the Executive Member For Neighbourhood Services and Advisory Panel

4<sup>th</sup> September 2008

Report of the Director of Neighbourhood Services

### Regional Scambuster Team

#### Summary

1. To inform members of an initiative by the Department for Business, Enterprise and Regulatory Reform (BERR) to establish regional trading standards 'Scambuster Teams' to tackle cross boundary rogue trading.
2. To inform members that City of York Council were successful in their bid to attract approximately £750k of grant funding over 3 years to establish and host a scambusting team on behalf of the Yorkshire and the Humber region.

#### Background

3. The Department of Trade and Industry's (now BERR) 2005 Consumer Strategy "A Fair Deal for All", set out a commitment to fund regional Trading Standards Scambuster Team (SBT) pilots. The strategy recognised that enforcement needs to be more effective at stopping those deliberately set out to defraud consumers and who operate across geographical boundaries.
4. Pilot SBTs were established in three English regions in 2006, focusing on the hardest to tackle scams and rogue trading activities which go beyond the boundaries of one local authority. They quickly established their effectiveness and have already:
  - Achieved an estimated £3m savings for consumers
  - Seized £2m worth of criminal assets
  - Uncovered an estimated £16m worth of fraud
5. Following a review of the pilots, BERR announced new funding for SBTs to cover Scotland, Wales and all the nine regions of England. The government allocated £7.5 million to the project and the funding will cover the period up until 31<sup>st</sup> March 2011.
6. The BERR criteria for a SBT is that they should focus on larger scale scams by working on a regional basis, separate from day to day work of a specific trading standards authority, and so work across administrative and geographic boundaries. Examples of the types of issues the SBTs are targeting are:

- Doorstep crime where there is evidence of multiple incidents across local authority borders
- Car clocking operations
- Deceptive selling techniques, particularly those targeting vulnerable consumers working from home, and other “get rich quick” schemes
- The sale of dangerous and substandard goods from traders operating with no fixed address e.g. furniture
- Cowboy builders who cost homeowners thousands of pounds in shoddy and unnecessary building work
- Large scale, organised counterfeiting operations

### **The Yorkshire and the Humber Trading Standards Group SBT**

7. In April 2008 trading standards regional groups were invited to submit bids for funding to establish a SBT. Following discussions in the Yorkshire and Humber Trading Standards Group (which consists of the heads of trading standards services in Barnsley MBC, City of York Council, Doncaster MBC, East Riding of Yorkshire Council, Hull City Council, North East Lincolnshire Council, North Lincolnshire Council, North Yorkshire County Council, Rotherham MBC, Sheffield City Council and West Yorkshire Joint Services) it was decided that City of York Council would lead the project and submit the bid on behalf of the group. The bid was successful and BERR have agreed to give a grant of £749,600 to City of York Council to set up the SBT, to cover the period 1<sup>st</sup> April 2008 – 31<sup>st</sup> March 2011.
8. The SBT will consist of a manager and three investigators and will be based in York. These appointments will be made on either a fixed term contract or secondment basis, and on a salary level which equates to the level of responsibility, and which has been approved by the CYC Pay and Grading Review Panel. It is hoped that the team will be in place and operational by end of October 2008.
9. The SBT will use intelligence from a variety of sources, including the Consumer Direct consumer complaint database, to identify and prioritise ‘targets’ and ‘problems’ which require enforcement intervention or which sectors of trading activities require targeted education to raise consumer and business awareness of rogue trading practices and counterfeiters in their area.

### **Consultation**

10. Legal services have been consulted on the drafting of a cross border authorisation agreement for SBT officers, the practicalities of instituting legal proceedings in other areas and the establishment of appropriate secondment arrangements.



## Options

11. Not applicable, for information only.

## Analysis

12. Not applicable, for information only.

## Corporate Priorities

13. The establishment of a SBT supports the corporate priority 'to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York' and will help reduce the economic detriment caused to York residents and businesses through rogue trading.

## Implications

14. The assessment of implications is as follows:
  - **Financial:** None. The funding of the team is from BERR grant.
  - **Human Resources (HR):** None. Temporary posts will be created.
  - **Equalities:** None.
  - **Legal:** There is likely to be an increase in the number of prosecutions undertaken. Provision for additional legal costs has been made in the bid.
  - **Crime and Disorder:** The SBT aims to tackle the worst instances of rogue trading.
  - **Information Technology (IT):** The SBT will need to be equipped for mobile working away from the council area. The cost of this is to be met by the allocated funding.
  - **Property:** None
  - **Other:** None identified

## Risk Management

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

## Recommendations

16. That the Advisory Panel advise the Executive Member to note the contents of this report.

Reason: To make members aware of the establishment of the Regional Scambuster Team, with York as the host authority.

**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** 18<sup>th</sup> July 2008

**Specialist Implications Officer(s)**

**Legal:** Glen McCusker, Senior Solicitor, Tel 551048

**Crime & Disorder:** Andy Hudson, Assistant Director (Neighbourhoods and  
Community Safety) Tel 551814

**IT:** Ben Lynch, ITT Business Development Consultant, Tel 551994

**Wards Affected:**

**All**

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

**Background Papers**

None



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## Meeting of the Executive Member For Neighbourhood Services and Advisory Panel

4<sup>th</sup> September 2008

Report of the Director of Neighbourhood Services

### Neighbourhoods & Community Safety Group Legal Actions

#### Summary

1. To inform Members 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 1<sup>st</sup> April – 30<sup>th</sup> June 2008.

#### Background

2. The Executive Member for Environment and Sustainability approved an enforcement policy for Environmental Health, Trading Standards and Licensing Services in September 2005.
3. This report details the results of prosecutions taken in the period 1<sup>st</sup> April 2008 – 30<sup>th</sup> June 2008. In accordance with the policy each case is considered on its merits before legal proceedings are instituted.
4. Annex 1 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 Priorities

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 Advisory Panel advise the Executive Member to note 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.

### Contact Details

**Author:**

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**Chief Officer Responsible for the report:**

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

**Report Approved**

**Date** 16<sup>th</sup> July 1008

**Specialist Implications Officer(s)** None

**Wards Affected:**

All

**Background Papers:**

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

**Annexes**

Annex 1: EH and TS Formal Enforcement Action 1<sup>st</sup> April 2008 – 30th June 2008.

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**Formal Enforcement Action 1<sup>st</sup> April 2008 – 30<sup>th</sup> June 2008****Animal Health**

Defendant	Legislation	Nature of Case	Penalty	Costs	Comp
Shaun BOYNE (Private Individual)	Dogs Act 1871	Failed to keep dog which is dangerous under proper control	Control Order	None	None
Susan MILLS (Private Individual)	Dogs Act 1871	Failed to keep dog which is dangerous under proper control	Control Order	None	None

**Environmental Protection**

Defendant	Legislation	Nature of Case	Penalty	Costs	Comp
Marvyn GABRIEL (Private Individual)	Environmental Protection Act 1990 as amended	Failed to comply with a noise abatement notice	3 year conditional discharge	None	None
Adam HUMPHERSON (Private Individual)	Environmental Protection Act 1990 as amended	Failed to comply with a noise abatement notice	Fine £500 + £15 victim surcharge + forfeiture of equipment	£805.22	None

A Caution was issued under the Environmental Protection Act 1990 as amended to a private resident for failing to comply with noise abatement notice.

**Food**

Defendant	Legislation	Nature of Case	Penalty	Costs	Comp
Roseville Care Homes Ltd t/a Lime Tree House (Care Home)	Food Hygiene (England) Regulations 2006	Food hygiene offences relating to the cleanliness/ condition of premises/ equipment and food management systems at Lime Tree House.	Fine £12,000	£4,834.72	None
Dinka KNEZEVIC-SHARP (Director of Roseville Care Homes Ltd)	Food Hygiene (England) Regulations 2006	As a Director of Roseville Care Homes Limited food hygiene offences were attributable to her neglect.	2 year conditional discharge	None	None
Robert Andrew WINSPEAR t/a Whitby Fish (Mobile Fish Seller)	Food Hygiene (England) Regulations 2006/General Food Hygiene Regulations 2004	Food hygiene offences relating to the use of two mobile food vehicles.	Fine £1,900	£3,909.48	None

## Health and Safety

Three £50 fixed penalty notices were issued to taxi drivers for smoking in their vehicles (Section 7 of the Health Act 2006).

## Trading Standards

Defendant	Legislation	Nature of Case	Penalty	Costs	Comp
Stephen Charles BRADLEY (Internet Trader)	Proceeds of Crime Act 2002/Trade Marks Act 1994/Copyright Designs and Patents Act 1988	Offences relating to the sale of DVDs sold on e-bay, containing counterfeit software.	150 hours community service + forfeiture of seized goods £40,000 Confiscation Order	£23,493.92	None
Christopher SNAITH/ t/a Pro-Fit (Home Improvements)	Enterprise Act 2002	Breach of undertaking not to contravene consumer protection legislation	Injunction granted	£506.70	None
Keith TURNER t/a VW Relics (Car Dealer)	Road Traffic Act 1988 as amended	Supplied an unroadworthy motor vehicle	1 year conditional discharge	£514.88	£700

A Caution was issued to a training company and a director of that company under the Trade Descriptions Act 1968 for making a false statement in a brochure relating to a training programme qualification

Cautions was issued to seven business employees under the Licensing Act 2003 for selling alcohol to an individual under 18





## ***Meeting of the Executive Member for Neighbourhood Services and Advisory Panel***

4<sup>th</sup> September 2008

Report of the Director of Neighbourhood Services

### **AIR QUALITY UPDATE**

#### **Summary**

1. The purpose of this report is to update the executive member and advisory panel of the outcome of the recent Air Quality Support Grant (AQSG) applications made to the Department for Environment, Food and Rural Affairs (DEFRA). Three AQSG bids were made in relation to the council's ongoing Local Air Quality Management (LAQM) work. The report provides an overview of the planned expenditure of the AQSG and requires a decision to be taken on the amount of AQSG to be accepted from DEFRA. The report also provides a general update on local air quality management in York.

#### **Air Quality Support Grant**

#### **Background**

2. The government supports local authorities capital expenditure on LAQM through a direct grant scheme known as the Air Quality Support Grant Programme (AQSG). Previous air quality funding from DEFRA has allowed the establishment of a comprehensive air quality monitoring network in York and the in-house operation of an air quality computer model. The scope of the monitoring network was reviewed and streamlined in 2006, with the main emphasis now on nitrogen dioxide and particulate monitoring.
3. In April 2008 officers submitted three AQSG bids to DEFRA to support the council's air quality work during 2008/2009. The amounts bid for were:

Air quality monitoring =	£176,324
Air quality modelling =	£42,675
Air quality action planning =	£3,000

4. Due to a national shortfall in the amount of grant available, York has been provisionally allocated the following amounts of AQSG for 2008/2009 :

Air quality monitoring =	£12,000
Air quality modelling =	£0
Air quality action planning =	£3,000

It can be seen that these awards fall well below the amounts within the bids.

## Consultation

5. No consultation has been undertaken for the purpose of this report.

## Proposed expenditure

### Air quality monitoring

6. The £176,324 bid for air quality monitoring was to undertake the following four projects:

**Project 1 :** Monitoring of nitrogen dioxide on the Fulford Road corridor

**Project 2 :** Upgrade of NO<sub>x</sub> analyser at the Fishergate monitoring site

**Project 3 :** Upgrade of Gillygate monitoring site (NO<sub>x</sub> analyser and enclosure)

**Project 4 :** Upgrade of Lawrence Street monitoring site (NO<sub>x</sub> analyser and enclosure).

7. **Project 1** related to the undertaking of more detailed nitrogen dioxide monitoring on Fulford Main Street, close to the junction with Heslington Lane. City of York Council's previous Update and Screening / Progress Reports have highlighted that this area of the city (currently not within the existing Air Quality Management Area) has the potential to be in breach of the annual average nitrogen dioxide objective. Diffusion tube monitoring in this area has indicated that the upper 95% confidence interval for some tubes in this area has exceeded the health based air quality objective of 40µg/m<sup>3</sup> in previous years. Diffusion tube monitoring for the 2007 calendar year period has indicated further potential breaches in this area. The proposed installation of real-time monitoring equipment in this area is to confirm the accuracy of diffusion tube results in terms of concentrations of nitrogen dioxide. Such monitoring has been proposed as part of City of York Council's most recent Progress Report to DEFRA (submitted April 2008), and has since been requested by DEFRA as part of a Detailed Assessment report (due for submission by end April 2009).

**Projects 2, 3 and 4** are concerned with upgrading existing older air quality monitoring equipment in the city to ensure continuous collection of high quality monitoring information for future rounds of review and assessment.

8. The amount of AQSG funding received from DEFRA for air quality monitoring during 2008/2009 is significantly less than bid for. The £12,000 allocation will be sufficient to upgrade the Lawrence Street air quality monitoring station (project 4). Due to the shortfall in funding received this year, additional funding has been secured from City Strategy as part of the Fulford Road Corridor Study to progress project 1 (Fulford Road project).

### **Air quality modelling**

9. The £42,675 bid was to support air quality modelling work required to progress both statutory air quality review and assessment work and studies associated with City of York Council's second Air Quality Action Plan. As no funding has been received from DEFRA for air quality modelling this year, it is proposed to fund any modelling work required during 2008/09 using a proportion of the £40k allocation from City Strategy (see para 23). It is possible that EPU can also draw on the support of graduates from the University of York (undertaking projects in fulfilment of postgraduate/PhD qualifications) to undertake some of the smaller scale modelling studies required for routine review and assessment work.

### **Air quality action planning**

10. The £3,000 air quality action planning bid was submitted with the intention of carrying out two separate projects as described below :

**Project 1** : In 2007/08 City of York Council was successful in obtaining an air quality grant of £9,500 towards air quality action planning. The amount received was significantly less than bid for, but it was enough to commence work on the 'Kids Zone' section of the new JorAir air quality website, which is now nearing completion. The Environmental Protection Unit (EPU) has been working with a local web development company to develop 3 interactive games to teach young children about the cause and consequences of poor air quality. The final game in the series aims to educate children about the actions they can take to improve air quality locally. Current progress with the site can be viewed at <http://www.jorair.co.uk>. In the last nationwide review of air quality websites undertaken by the professional journal 'Air Quality Bulletin', York was one of only five local authorities to receive full marks for the quality and 'findability' of its air quality information. The JorAir website received a very favourable review and once complete is expected to rate amongst the top local authority air quality websites. This year, the funding will be used to purchase additional software to allow 'real-time' data to be published directly to the JorAir website.

**Project 2** : York AQAP gives a commitment to continue raising awareness about smoke control and bonfire issues. Funding was sought for the re-printing of the bonfire and smoke control leaflets and annual advertisements in the press and local 'free' magazines delivered to all residents of York. This is to remind people of the law in relation to both smoke control areas and nuisance from bonfires.

11. The funding received in relation to air quality action planning will allow both projects outlined above to proceed.

## **Update on Local Air Quality Management in York**

### **Local Progress**

12. In April 2008, City of York Council submitted a Progress Report to DEFRA. This report provided an update on new air quality monitoring results collected during 2007 and considered historical trends in air quality data. It also provided an

update on the progress made with implementation of the measures within AQAP2. The full Progress Report can be viewed at <http://www.jorair.co.uk/downloads.php>

13. The Progress Report concluded that there appeared to have been a general improvement in nitrogen dioxide concentrations across the city between 2000 and 2007. At most monitoring locations the highest concentrations recorded to date occurred in 2002/03. The lowest concentrations were recorded after 2004.
14. Most real time monitoring within the current AQMA indicated a slight improvement in 2007 when compared with 2006. In each of the five AQMA 'technical breach' areas there remain a number of sites where annual average nitrogen dioxide concentrations remain above the  $40\mu\text{g}/\text{m}^3$  annual average objective level. Due to the continued existence of these breaches no changes to the current AQMA 'technical breach' areas are proposed at this time, although some reduction in the size of the technical breach areas may become appropriate in the future.
15. Outside the AQMA the annual average nitrogen dioxide objective is being met at most locations. There are a handful of sites which have given rise to ad-hoc elevated concentrations in recent years, but at present it is not considered necessary to bring them within the AQMA. Of these locations, the ones that indicated possible breaches during 2007 include areas of Salisbury Terrace, Heworth Green, Tadcaster Road (near ORR), Selby Road and the Stonebow. It is proposed to continue monitoring at these sites and to re-assess the situation in 2009.
16. The one exception is Fulford Main Street, where elevated concentrations of nitrogen dioxide have been consistently monitored over recent years. In a bid to improve air quality along this corridor, City of York Council is considering a range of improvement measures as part of the 'Fulford Road Corridor Study'. EPU has already identified a suitable location for an air quality monitoring station, close to the junction with Fulford Main Street and Heslington Lane. Due to the shortfall in AQSG this year, additional funding has been secured from City Strategy for this project (see paragraph 8).
17. Monitoring of other pollutants, including particulate matter ( $\text{PM}_{10}$ ), has not indicated any issues with respect to any air quality objective values, and thus no further AQMAs are proposed at this time. A further, comprehensive screening assessment for other pollutants will be provided as part of City of York Council's Update and Screening Report, due in April 2009.
18. To address the remaining air quality issues in the city, the council published its second Air Quality Action Plan (AQAP2) in March 2006. AQAP2 was developed in conjunction with the city's second Local Transport Plan (LTP2) and built on the measures included in the first AQAP. AQAP2 focuses on promoting sustainable transport in the city, reducing emissions from existing vehicles, improving public transport and reducing congestion through improved traffic management.

19. Progress made in implementing the measures in AQAP2 was reported in the most recent Progress Report (submitted to DEFRA in April 2008). In general, good progress has been made towards implementing the majority of measures within AQAP2. Key staff shortages in the Transport Planning Unit (TPU) throughout much of 2007 have meant that a number of schemes have not progressed as quickly as anticipated. However, as of March 2008, TPU is fully staffed and a number of schemes are progressing, particularly in relation to alternative fuels. Over the following year it is hoped that further progress will be made in relation to the promotion of cleaner vehicles / alternative fuels, low emission zone feasibility and with the concept of freight transshipment. An officer steering group has been set up to progress these issues.

#### **Interim Planning Statement for Air Quality**

20. EPU has developed an Interim Planning Statement (IPS) for air quality. The IPS is aimed at developers and their consultants, to outline the conditions under which an air quality assessment will be required, and what should be included in any assessment that is carried out for a proposed development. The IPS also aims to formalise the arrangements for financial contributions for air quality mitigation measures or air quality monitoring.
21. A draft copy of the IPS for air quality is currently being reviewed by City Strategy. The document will then be taken to the LDF working Group / Planning Committee (as appropriate) to seek approval for a period of formal consultation in 2008/09.

#### **AURN Affiliation of Bootham and Fishergate Monitoring Sites**

22. In January 2008, two of City of York Council's air quality monitoring stations, Bootham and Fishergate, were affiliated to DEFRA's automatic urban and rural network (AURN). This will improve the council's national air quality reputation and improve data management .

#### **Funding from City Strategy**

23. EPU have secured a commitment from City Strategy to allocate £40,000 per annum to support air quality work as part of an agreed work programme.

#### **Low Emission Zone (LEZ) Feasibility Study**

24. The Institute of Transport Studies (University of Leeds) have undertaken a Low Emission Zone (LEZ) scoping study for City of York Council using a vehicle emission Remote Sensing Device (RSD). Four days of RSD measurements were collected at the Heworth Green exit of the Monkgate / Foss Bank / Huntington Road roundabout. Measurements included emissions characteristics, vehicle type, speed and acceleration, whilst also collecting a digital picture of the rear licence plate for offline processing. This information was used to quantify the potential impact of a York LEZ scheme on vehicle emissions at the survey location.

25. The objective of a Low Emission Zone (LEZ) is to improve air quality by restricting (or deterring by charging policy) the most polluting vehicles from being driven in the area. Restrictions are typically applied according to vehicle type and emission category.
26. The main findings and conclusions of the study were as follows :
- When averaged across the vehicle fleet, exhaust emissions are generally related to Euro classifications, with newer vehicles being 'cleaner'. Reductions in nitric oxide (NO), carbon monoxide (CO), hydrocarbons (HC) and particulate (PM<sub>10</sub>) emissions in technical breach areas could be achieved by excluding older vehicle categories.
  - The study found that the bus fleet on the section of road chosen for the study was predominantly modern diesel vehicles and it was recommended that a different site, frequently used by older diesel buses is selected for any follow-on studies.
  - Excluding all pre-Euro II vehicles (equivalent to less than 9% of private cars) or pre-Euro III vehicles (equivalent to less than 30% of private cars) would remove the vast majority of the most polluting vehicles. However, newer vehicles or newer technologies can also become highly polluting if not well maintained. Therefore an effective LEZ would also need to identify poorly maintained newer vehicles and exclude these using on street road emissions testing such as RSD technology.
  - Before the consideration of any LEZ for the city, further research is recommended on the emissions from HGVs and buses, followed by a public information campaign on which vehicles are the highest polluters.
27. EPU and the transport planning unit (TPU) are currently in discussion as to how to jointly progress this work, as TPU are responsible for these measures within LTP2, pending further progress reports to members

## **Options**

28. (a) To accept air quality grants from DEFRA totalling £15,000 and allow the air quality projects outlined in paragraphs 6 to 11 to proceed.
- (b) To reject some or all of the air quality grants from DEFRA and revise the planned air quality projects for 2008/2009 accordingly.

## **Analysis**

29. Option (a) will allow the council to continue upgrading its monitoring network and make significant revenue savings over the next three years at the Lawrence Street monitoring site. It will also ensure that the JorAir webpage is developed to its full potential. Awareness raising of air pollution issues relating to smoke control areas and bonfire night will also continue.

Option (b) would prevent the upgrading of monitoring equipment and require CYC to meet the revenue costs of the air pollution station at Lawrence Street. The JorAir webpage would not be completed and other awareness raising campaigns may have to be cancelled.

## **Corporate Priorities**

30. Monitoring air quality, providing information to the public about air quality, and developing strategies to improve air quality contribute towards delivering the corporate priorities on improving the health of residents and encouraging the use of public, and other environmentally friendly modes, of transport.

## **Implications**

### **Financial**

31. No other source of funding exists for the projects outlined in this report. If the AQSGs are not accepted, alternative sources of funding will have to be identified in order to further LAQM in the city. Members should also be aware that the revenue costs (approximately £18.5k for the 2009 calendar year period) of some existing air quality monitors, including that at Lawrence Street, that have been funded by DEFRA grants in previous years are due to cease at the end of the 2008 calendar year and will therefore be subject to a growth bid in 2009/10.

### **Human Resources**

32. There are no human resource implications.

### **Equalities**

33. There are no equalities implications.

### **Legal**

34. The council has a statutory duty to periodically review and assess local air quality against national air quality objectives and report its findings to DEFRA. As the council has declared an AQMA and produced an AQAP it is also obliged to submit regular AQAP progress reports to DEFRA demonstrating that it has a continued commitment to improving air quality in the city. Under the provisions of the Freedom of Information Act 2000 air quality data must be made freely available to members of the public upon request.

### **Crime and Disorder**

35. There are no crime and disorder implications.

### **Information Technology (IT)**

36. There are no IT implications.

## Risk Management

37. There is some financial risk associated with purchasing multiple years of equipment maintenance contracts up front, but this is currently the only way these items can be justifiably purchased with AQSG. As the companies involved are well established within the air quality field the financial risk is considered relatively small and is considered proportional to the costs which would have to be incurred by the council in future years if AQSGs are not used in this way. There are always public liability risks associated with the placing of monitoring equipment in the field. These will be minimised by consulting the highways team on the best location for the equipment, using reputable electrical contractors and ensuring all equipment is covered by the council's insurance policies.

## Recommendations

38. That the advisory panel advise the Executive Member that :

**Option (a) at para 28 should be accepted** - to accept air quality grants from DEFRA totalling £15,000 and allow the air quality projects outlined in paragraphs 6 to 11 to proceed.

*Reason:* It represents the most appropriate way of funding the continuation of LAQM in the city. This is a statutory undertaking that contributes towards the corporate priorities on improving the health of residents and encouraging the use of public, and other environmentally friendly, modes of transport.

Option (b) should be rejected

*Reason:* No other source of funding for LAQM has been identified. Refusal to accept all, or part of, the provisional grant would limit progress on corporate priorities relating to health and transport.

## Contact Details

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### Chief Officer Responsible for the report:

Andy Hudson  
Assistant Director (Neighbourhoods & Community  
Safety)

Report Approved  Date 16<sup>th</sup> July 2008

### Specialist Implications Officer(s)

Financial implications: Andrew Green, Senior Accounting Technician, Tel 553294

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

All

For further information please contact the author of the report

Background Papers: None.





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## Meeting of the Executive Member for Neighbourhood Services and Advisory Panel

4<sup>th</sup> September 2008

Report of the Director of Neighbourhood Services

### 2008/09 FIRST MONITORING REPORT – FINANCE & PERFORMANCE

#### Summary

1. This report represents two sets of data:
  - a) The latest projections for revenue and capital expenditure for the Neighbourhood Services portfolio and traded accounts.
  - b) Progress against the directorate plan priorities – including performance against target for the directorate's key performance indicators.

#### Background

2. Service provision and financial performance are strongly linked. This paper reports on service and financial performance for the first quarter of 2008/09. The Executive Member will normally receive three monitoring reports during the year.

#### Management Summary

##### Financial Overview

3. Overall, the Neighbourhood Services portfolio is forecasting an overspend of £277k, a variation of 2.0% of the net expenditure budget.
4. It is proposed that Executive approve the release of £50k contingency to cover the cost of replacement bins. Further information is provided in the report. This would reduce the overall Neighbourhood Services overspend to £227k or 1.6% of the net expenditure budget.
5. The current general fund revenue budget for the Neighbourhood Services Portfolio is £15.22m, excluding the budget contribution to Safer York Partnership.
6. Current projections for the general fund portfolio show expenditure of £15.43m compared to budget, an overspend of £214k which represents a variation of 1.4% on the net expenditure budget. If the contingency is approved this would reduce the general fund overspend to £164k or 1.1% of the net expenditure budget.

7. The financial position for each General Fund service area is dealt with separately in the following sections. The overall position can be summarised as follows:

	Exp Budget £000	Income Budget £000	Net Budget £000	Forecast £000	Var'n £000	Var'n%
Env Health & Trading Standards	2,464	434	2030	2,060	30	1.5
Licensing & Bereavement Service	1,083	1,957	(874)	(874)	0	0
Registrars Service	280	355	(75)	(75)	0	0
Neighbourhood Management	1,174	303	871	841	(30)	(5.6)
Ward Committees	1,126	42	1,084	1,084	0	0
Neighbourhood Pride Service	2,460	73	2,387	2,421	34	1.4
Enforcement and Environment	695	5	690	690	0	0
Waste Mgmt, Refuse & Recycling	11,493	2,433	9,060	9,240	180	1.9
Pest Control	101	56	45	45	0	0
<b>General Fund Total</b>	<b>20,876</b>	<b>5,658</b>	<b>15,218</b>	<b>15,432</b>	<b>214</b>	<b>1.4</b>
<b>Release of contingency (subject to Executive approval)</b>			<b>50</b>		<b>(50)</b>	
<b>Adjusted General Fund Total</b>			<b>15,268</b>	<b>15,432</b>	<b>164</b>	<b>1.1</b>

8. Details of the variances are covered later in the report but the significant variances on the General Fund Account are as follows:
- Overall, there is an overspend on fuel of £47k based on current prices.
  - Unbudgeted security costs at Towthorpe HWRC are forecast at £84k if security is required for the full financial year
  - There is an overspend on bin replacements of £62k. It is requested that £50k is released from contingency, which is subject to Executive approval.
9. Significant variances relating to the trading accounts are covered in further detail later in the report in confidential Annex 2. In summary;

- The Drainage section are forecasting a positive variance/underspend of £177k due to an increase in customer base although this is offset by a £100k under recovery on the Highway Account.
  - Commercial Waste are forecasting an under recovery of £90k due to a reduction in customer base.
  - Neighbourhood Pride Service are forecasting an overspend in fuel of £50k.
  - Overall, within the trading accounts there is an overspend on fuel of £91k, based on current prices.
10. The current budget for capital schemes is £581k and this was revised to £941k upon receipt of £360k Waste Infrastructure Capital Grant (WICG) from Defra. Further detail is provided in the report.
11. All capital schemes are expected to be completed on programme within the financial year. Any underspends on Defra grants may be carried forward to 2009/10.

### **Performance Overview**

12. This paper reports on progress against the measures and actions in the Neighbourhood Services directorate plan.
13. Headline figures for the first quarter of 2008/09 are that Neighbourhood Services has:
- Undertaken an initial cleanliness survey, which has reported above target levels of litter (10% of the areas surveyed were unacceptable) and graffiti (8% of areas surveyed were unacceptable).
  - Continued to increase the proportion of waste recycled and composted – with a 2008/09 forecast of 45.07% (43.37% in 07/08).
  - Maintained a high level of performance against target on removal of graffiti and fly-tipping.
  - Continued to reduce the incidences of missed bins to 48.8 per 100,000 (50.6 in 07/08), and put 98% of those right by the next working day (79% in 07/08).
  - Continued to reduce sickness absence. The forecast for 2008/09 is a loss of between 14 and 14.5 days per fte (15.5 in 07/08).
  - Developed a series of staff welfare initiatives aimed at proactively reducing the need for sickness absence.
  - Delivered an Anti-Social Behaviour strategy.
  - Continued to improve performance on housing repairs. 91.9% of urgent repairs were completed within government time limits (90% in 07/08). The average time to complete a non-urgent repair fell to 6.96 days (7.97 days in 07/08).
  - Progressed the proposed reorganisation to the point of formally consulting with staff in the areas affected.

## **Financial Performance**

### **General Fund**

#### **Environmental Health and Trading Standards**

14. The current projection forecasts that there will be an overspend of £30k or 1.5% of the net expenditure budget. The key reasons for the overspend are as follows:
- Legal fees are forecasting to overspend by £46k, relating to the cost of the Elvington Air Field appeal. The forecast takes a prudent approach and assumes that these costs will not be recovered. If the appeal is successful we could be awarded costs in the region of £100k.
  - This is offset by a net underspend of £21k on staff costs due to vacancies

#### **Licensing and Bereavement Services**

15. The current projection forecasts that there will be no overspend.

#### **Registrars Service**

16. The Registrars Service transferred to the Neighbourhood Services portfolio in June. The current projection forecasts that there will be no overspend.

#### **Neighbourhood Management**

17. The current projection forecasts that there will be an underspend of £30k, or 5.6% of the expenditure budget. The key reasons for the variance are as follows:
- Staff vacancies amounting to £56k.
  - An overspend of £6k on the running costs of Sanderson Court House. This budget transferred in this financial year from LCCS but there is insufficient budget to cover actual costs. A growth bid to cover the shortfall was submitted in the 08/09 budget process but this was only partially accepted.
  - An overspend of £16k on the production and delivery of Your Ward publication. There is insufficient budget to cover actual costs because printing costs have increased over the last few years without a corresponding increase in budget.
  - The above overspends relating to Sanderson Court and Your Ward require an increase in budget and growth bids will be submitted in the 2009/10 budget process.

#### **Ward Committees**

18. The projection is that net expenditure will be as budgeted.

### **Neighbourhood Pride Service**

19. The outturn position shows an overspend of £34k, or 1.4% of the expenditure budget. The key reason for the overspend is:
- An overspend on graffiti removal of £32k. This relates to removal of graffiti from public land. The total budget for this service is £46k and the forecast spend is £78k based on a straight line profile from a year to date spend of £19k. However, this overspend is expected to reduce once the work of the newly created Environmental Maintenance Team commences since one of the functions of this team is to assist with graffiti removal. One off funding in this financial year for the creation of this team was agreed at EMAP in June 2008 so the team has not been operational for a full financial year. If the team is successful and Members wish to continue the service beyond 2008/09 funding will be required either from top slicing the York Pride budget or bidding for additional growth.
20. The operational costs of street cleansing and ground maintenance are held within the trading accounts. This is covered in further detail in Annex 2.

### **Enforcement and Environment**

21. The current projection forecasts that there will be no overspend.

### **Waste Management, Refuse & Recycling**

22. The outturn position shows an overspend of £180k, or 1.9% of the expenditure budget. The key reasons for the overspend are:
- Unbudgeted expenditure is forecast relating to security at Towthorpe HWRC due to a series of break ins at the end of the last financial year. Year to date costs amount to £20k and assuming that security is required for the remainder of the year this could total £84k.
  - There is an overspend on fuel costs due to the increase in petrol prices amounting to £47k on refuse and recycling operations.
  - There is an overspend of £62k on bin replacements. During the 2008/09 budget process it was recognised that there was insufficient budget to cover costs and £50k was included in contingency. It is requested that this is released, subject to Executive approval. There could be further pressure on this budget as prices have increased considerably over the last few months (for example 240 litre bins have increased by 28%) and may continue to rise due to the cost of raw materials and excess demand across Europe.
  - The above overspends are offset by a saving in waste processing costs of £13k as a result of a reduction in tonnage of waste sent to landfill.

**Trading Accounts**

23. Detailed information is provided in Confidential Annex 2.

**Capital Programme**

24. The Neighbourhood Services capital programme includes the following schemes. Details of the budgets and forecast spend are set out below:

	<u>Current Budget £000s</u>	<u>Revised Budget £000s</u>	<u>Forecast £000s</u>
Ward Committee	169	169	172
Air Quality Management	12	12	12
Contaminated Land Investigation	42	42	42
Silver St Toilets	338	338	338
Improvements to Towthorpe HWRC	20	20	20
Waste Infrastructure Capital Grant (WICG)	0	360	360
<b>Total</b>	<b>581</b>	<b>941</b>	<b>944</b>

25. The current budget is £581k and a further £360k was received from Defra to fund waste infrastructure, increasing the budget to £941k. Further details are provided below.
26. All schemes are currently expected to complete on programme. A brief comment on each scheme is included below:

**Ward Committees**

Budget: £169k (CYC resources)

Forecast: £169k

27. The total budget of £172k was carried forward from 2007/08. There is no new capital funding in 2008/09 as it was agreed that all ward committee schemes will be funded from revenue.
28. All schemes are expected to complete on target.

**Air Quality Management**

Budget: £12k (Defra Grant)

Forecast: £12k

29. The total budget of £12k was carried forward from 2007/08. 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, modeling software and publicity/ education.
30. The remainder of the grant will be used to continue this work.

**Contaminated Land Investigation**

Budget: £42k (Defra Grant)

Forecast: £42k

31. Defra provide a capital grant 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.
32. £39k additional funding was received from Defra in 2008/09 to support further investigations and this was accepted at EMAP in June 2008. The remaining budget of £3k was carried forward from 2007/08.

**Silver Street Toilets**

Budget: £338k (CYC Resources)

Forecast: £338k

33. This project is to replace Parliament Street Toilets with a purpose built modern facility that better reflects the needs of users. £100k additional funding was agreed at Council in February. The scheme is currently expected to complete on target before the end of this financial year.

**Improvements to Towthorpe HWRC**

Budget: £20k (CYC Resources)

Forecast: £20k

34. Funding was agreed at Council in February to make structural improvements at Towthorpe HWRC.

**Waste Infrastructure Capital Grant (WICG)**

Budget: £360k (Defra Grant)

Forecast: £360k

35. This is a new grant from Defra for which we will receive funding over the next 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.
36. Officers are currently producing proposals relating to this grant which will be reported in the Waste Strategy Report to Executive on the 23<sup>rd</sup> September. It is expected that these proposals will spend to budget in this financial year but any underspends may be carried forward.

## Directorate Performance

### Priority 1: Improving Absence Management

Key actions from Directorate Plan:	Milestone	On target?
Examine successful approach taken in HASS to using HSE stress management standards.	Sept 08	Complete
Temporarily redirect resources to provide additional support to managers in managing absence	Dec 08	Yes
Explore how to incentivise staff to improve health outside work	Dec 08	Yes

37. Work is continuing to manage absence positively and consistently within the corporate absence management policy, and to develop more proactive approaches to staff health and well-being.
38. We lost 2286 fte days in the first quarter – about 3.5 days per fte. This is about 1 day per fte better than at the same point last year, allowing a forecast of 14-14.5 for the year. Our performance, while improving, remains behind the corporate figure of 2.1 days per fte for the quarter.
39. A well-being initiative has been developed with the NHS occupational health provider, for the Civil Engineering department, where sickness levels have historically been high. The initiative includes proposals for immediate referral to either osteo or physio services for any member of staff phoning in with some sort of ‘muscular-skeletal’ disorder (back, neck, shoulder problems etc. – which accounts for about 70% of absence in this department). We are also working to develop other staff welfare initiatives such as a health fair and a no smoking campaign.
40. 355 fte days were lost to stress in the first quarter (0.54 days per fte, compared with corporate figure of 0.37 days per fte). Stress absence made up 15.5% of NS absence, which compares well with the corporate figure of 17.4%. In developing the well-being initiatives mentioned above we considered the HSE approach to managing stress, but the small number of stress cases we see are almost always non-work related. Work done in the quarter suggests that at most 10% of stress absence is work-related – with most stress linked to domestic problems. Regardless of the cause, stress absence is managed carefully, and all stress cases are immediately referred through to Occupational Health.



<b>Key measures from Directorate Plan:</b>	2006/7	2007/8	2008/9 Q1	2008/9 Forecast based on Q1 data	2008/9 Target (days)
BV12: Number of working days/shifts lost to sickness (per fte).	16.8 days	15.5 days	3.45 (2286 days lost / 663 fte)	14-14.5 days	14 (NS)
CPA13a. Number of days lost to stress related illness (per fte).	2.79 days	2.53 days	0.54 (355 days lost / 663 fte)	2-2.5 days	2 (NS)

### Priority 2: Staff Development

<b>Key actions from Directorate Plan:</b>	Milestone	On target?
Hold regular meetings between the Director and front line staff.	Ongoing	Yes
To hold quarterly meetings of the DNS Managers Forum to further develop leadership skills.	Ongoing	Yes
To hold quarterly 'tool box talks' between AD's and front line staff.	Ongoing	Yes
Review our approach to developing managerial and supervisory skills, and develop proposals.	Oct 08	Yes

41. A number of staff communication mechanisms are in place. We have developed the directorate's performance management framework to incorporate regular meetings with heads of service to discuss and progress specific areas of performance. A regular managers forum meeting provides an opportunity to discuss live issues and in some cases to support the development of policy. The Director and Assistant Directors meet with different staff groups regularly.
42. A staff newsletter is in place, which aims to inform all staff about key developments across the directorate, and has been well received.
43. We have a target to appraise 92% of staff during the year. Due to the diverse nature of the directorate, we deliver appraisals in a range of ways, with most appraisals for front line staff delivered in group meetings with an offer of individual appraisals being made. A new group appraisal scheme is now being implemented, and will provide better awareness of service objectives within teams.
44. An initial review of training for supervisory staff has shown that a number of departments are using a range of providers, programmes and approaches. We plan to build on good practice to develop a more consistent programme in the Autumn. Work is also going on to roll out a training matrix that has been piloted in the Civil Engineering department. This will allow us to track the training needs of all staff – including supervisory staff.

**Priority 3: Implementing job evaluation / pay and grading**

<b>Key actions from Directorate Plan:</b>	Milestone	On target?
Implement new pay and grading structure, and support staff through the appeals process.	Sept 08	Waiting for ballot

45. The result of the pay and grading review was communicated to staff in late April. At the time of writing the unions have said they are likely to run their ballot during late August/early September.
46. The qualitative measure set for this priority was around the level of detriment to industrial relations. While no industrial action has been taken so far on pay and grading, staff morale has been hit by both the agreement and the delay. In addition we are starting to see a number of staff choosing to move to better paid posts elsewhere.

**Priority 4: Improving equalities culture**

<b>Key actions from Directorate Plan:</b>	Milestone	On target?
Complete priority Equality Impact Assessments (EIAs) of Waste Management Strategy and Community Safety Strategy.	Sept 08	Yes
Set out an Equality Plan for Neighbourhood Services, to include a forward programme of EIAs.	Sept 08	Yes

47. Both of the priority Equality Impact Assessments (EIAs) (Waste Management Strategy, and Community Safety Strategy) will be completed by end of September, ready to go for consultation through a corporate equalities event planned for early November. By the end of September a directorate equality self-assessment will have been completed and a simple plan to improve the directorate's equality position will have been developed. This is almost certain to focus on training, awareness raising, and a programme of EIAs.
48. The measure set for this priority was around the proportion of our EIA programme delivered during the year. We will be able to report on this at year end.

**Priority 5: Improving Health and Safety culture**

<b>Key actions from Directorate Plan:</b>	Milestone	On target?
Implement any changes arising from the corporate health and safety review.	Sept 08	Yes
Implement the new model of site inspections, training and communications.	Sept 08	Partly
Develop an improved database to record staff training records.	Oct 08	Yes
Implement, review and evaluate the success of the near miss reporting mechanism.	Dec 08	Yes

49. Work on health and safety (H&S) remains a very high priority. While the actions are on track and progress is still being made, that is not yet flowing into reduced numbers of RIDDOR accidents. The implementation timetable following the corporate review of health and safety is on target.
50. A new approach to on-site inspections has been introduced. This provides greater clarity over the respective roles of H&S staff and managers. This is in line with the new corporate role for H&S staff and will ensure more proactive work is done with staff in the field. Work continues on training and communications issues.
51. A new 'near miss' reporting booklet has been developed for all staff to allow them to report (anonymously if desired) hazards, near misses, and breaches of H&S practice. We have started to receive reports using this route, but more work is needed to raise use among front line staff who are best placed to report potentially hazardous incidents. The incidents reported so far have prompted further work on traffic and pedestrian flow around the Eco-Depot.

<b>Key measures from Directorate Plan:</b>	2004/5 to 2006/7	2007/8 actual	2008/9 Q1	2008/9 Target
Total number of accidents reported.	124 (ave)	120	21	None set
Number of RIDDOR accidents.	27 (ave)	29	7	10% reduction
Number of RIDDOR major injuries	Not available	2	0	20% reduction
Number of RIDDOR dangerous occurrences	Not available	2	0	0

**Priority 6: Improving financial management**

<b>Key actions from Directorate Plan:</b>	Milestone	On target?
Provide financial regulation, procurement and budget monitor training for Budget Managers.	Ongoing	Yes – later in year
Reduce creditor days by developing a web based system to pay Yorwaste.	Oct 08	Yes
Review the directorate's approach to risk management and implement within the new performance management framework.	Oct 08	Yes

52. The aim of the new approach to budget monitoring is to continue to develop a culture of financial accountability among all budget managers. Budget managers are involved in the process at a detailed level, and detailed monthly forecasts are provided at the appropriate level within the directorate to allow the issues to be managed. Overall in the first quarter we are forecasting a 2.0% overspend.
53. Training on budget monitoring, procurement and financial regulations was provided to Heads of Service, who are the key budget managers within the new monthly monitoring system, during 2007/08. Further budget management training will be provided as part of the implementation of the new FMS system. Refresher training on procurement and financial regulations will be provided later in the year.
54. Discussions with Yorwaste are ongoing about a software package that will allow us to authorise invoices on-line. The aim is to develop a streamlined payment system that will meet the needs of both parties. While progress has been slower than anticipated, we are confident that a new system will be in place during the autumn.
55. A more robust quarterly performance management process was undertaken at quarter 1, which included a review of risks held on the Magique risk management system. In line with other directorates, we will be developing a more coordinated approach to risk management that will allow managers to focus on the risks rather than the system.

<b>Key measures from Directorate Plan:</b>	2007/8	2008/9 Q1	2008/9 Target
Reduction in outturn variance against budget	£162k underspend (1.2%)	£227k overspend (2.0%)	Zero variance

**Priority 7: Implement Corporate Restructure**

<b>Key actions from Directorate Plan:</b>	Milestone	On target?
Agree detailed proposals for new services to be transferred to Neighbourhood Services	July 08	Late
Implement service transfer.	Sept 08	Late

56. Discussions about the Highways part of the planned reorganisation are continuing, and have brought a high level of clarity over the details of the restructure. Discussions over the movement of Parking service into Neighbourhoods, and the transfer of some grounds maintenance staff and client officers between NS and LCCS are also well advanced. A draft report has been completed that sets out the principle and some of the details for each proposed area. This report is being used for formal consultation, and so the proposals may be refined before being taken to Staffing Matters committee.
57. While the timescale to implement the transfer has not been confirmed at the time of writing, discussions are ongoing between relevant officers. We hope to get formal agreement to a proposal on all of the service areas mentioned above from Staffing Matters committee in mid September. At the time of writing it is hoped that a transfer date of 1<sup>st</sup> October can be delivered.
58. The Registrars service transferred from Resources to Neighbourhoods in June 2008.

**Priority 8: Tackling violent, aggressive and nuisance behaviour (Corporate priority)**

<b>Key actions from Directorate Plan:</b>	Milestone	On target?
Monitor and evaluate the impact of the Westfield Capable Guardian scheme and assess the potential resource requirements of adopting it in other parts of the city.	June 08	No
Develop Neighbourhood Services' contribution to the Safer York Partnership's anti-social behaviour strategy.	July 08	Yes

59. An interim assessment of the Westfield Capable Guardian scheme has been undertaken with the police. We have agreed to continue the pilot for a further three months over the summer when it might be expected to have the most impact. The approach will then be evaluated in September. The Anti-Social Behaviour Strategy that will govern and co-ordinate the work of different agencies and partners was agreed in June 2008 by the Safer York Partnership (SYP) Executive.
60. Other work to highlight during quarter 1 includes:
- the continued roll out of the cold calling zone initiative which is proving popular with householders.

- a feeling and being safer campaign ran in June which highlighted the four priority areas from the new Community Safety Strategy.
61. There has been recent national coverage of the City's success at reducing crime. The Times featured an article detailing how the success of working in partnership in York had resulted in a dramatic reduction in overall crime in the last year (9% fall in the last year, including 30% fall in vehicle crime).
62. We are able to report on two of the six measures in the directorate plan. 2655 crimes were recorded under the BCS categories in quarter 1 (vehicle crime, burglary, cycle theft, violent crime, criminal damage).
63. The results of the 31st Talkabout survey (July 08) show a jump in the percentage of residents who feel that York is safe. The survey also reports a fall in levels of concern with a number of types of crime that have been targeted within the Community Safety Plan such as burglary and car crime, robbery and physical assault, and anti-social behaviour (vandalism, noise, young people hanging about). A second survey will also ask these questions later in the year.

<b>Key measure from Directorate Plan:</b>	2006/7 actual	2007/8 actual	2008/9 Q1	2008/9 Target
Total Crime (BCS total crime)	13304	11119	2655	10948
Percentage of residents who feel York is a safe city.	53%	55%	64% (Talkabout 31 – July 08).	68%

### **Priority 9: Neighbourhood management service review and improvement**

<b>Key actions from Directorate Plan:</b>	Milestone	On target?
Develop a model for a corporate action plan showing how local democracy and participation can be improved.	Dec 08	Yes
Implement new best practice coming out of the Local Government Bill	Dec 08	Yes

64. The actions under this priority are long term in nature. The only measure is a perception measure for which survey work will be undertaken later in the year.
65. Work on implementing the Local Government Bill (e.g. duty to consult) has been linked into the new corporate single improvement plan, and in particular the work being led by the Chief Executive to develop a corporate engagement strategy. Ward committees, and Neighbourhood Action Plans will form an important part in the council's overall approach to engaging its communities. The Head of Neighbourhood Management Unit is part of a cross-directorate group working to develop the draft engagement strategy. The aim is to develop that draft strategy by October 2008.

**Priority 10: Building maintenance service review and improvement**

<b>Key actions from Directorate Plan:</b>	Milestone	On target?
Work with Office of Government Commerce (OGC) and Jewson to improve material supply further.	Ongoing	Yes
Extend existing partnership working with other internal clients.	Dec 08	Yes

66. The agreement with Jewson to consolidate material supply to our building maintenance department went live in November 2007. Since then the agreement has been subject to continual review, and an improvement plan is in place. An April 2008 audit report made a small number of recommendations – which either have been or are being actioned, for example further benchmarking work is now being undertaken by the Office for Government Commerce (OGC). Since May 2008, we have agreed a monthly set of performance measures with Jewson to help both parties monitor and improve performance. In general the repairs partnership with housing is improving performance. Some housing staff are now based at the EcoDepot in order to improve understanding of joint processes in this highly complex business. Further work is planned to increase housing staff's understanding of the role of Jewson in the housing repair process.
67. The service took over the east side gas servicing contract from 1<sup>st</sup> April, and has successfully integrated this additional work with a minimal amount of disruption. Performance on the two national housing repair targets (below) improved during the first quarter.
68. Increased partnership working with Facilities Management is a key element of the service's business plan. A joint meeting with key staff is planned for early September to progress and improve working relationships.

<b>Key measures from Directorate Plan:</b>	2007/08 actual	2008/09 Quarter 1	2008/09 target
Urgent repairs completed within Government time limits	90.0% (5532 of 6150 jobs)	91.9% (1456 of 1585 jobs)	99%
Days taken to complete non-urgent repairs	7.97 days (21,544 jobs)	6.96 days (6,145 jobs)	8 days

**Priority 11: Local environment (corporate priority)**

<b>Key actions from Directorate Plan:</b>	Milestone	On target?
Keep the new approach to street cleansing under review, and implement ongoing improvements as appropriate.	Ongoing	Yes
Develop environmental action plans, to support ward based delivery of the environmental aspects of the 18 neighbourhood action plans.	Sept 08	Yes
Complete the review of provision of public toilets, including making budgetary proposals.	Dec 08	Yes

69. Head of Neighbourhood Pride Service meets staff each month to work through issues that arise. The NI195 survey results and customer satisfaction results are discussed at these meetings. The operational processes such as cleansing routes and use of equipment is kept under constant review. Performance team members recently undertook a quality audit of the barrowmen's work, with the findings discussed with staff involved as necessary. Maintaining momentum among staff is probably the key issue facing the service.
70. The Street Environment Officers are currently developing environmental action plans for each ward to support the environmental objectives within each of the Neighbourhood Action Plans. These will be drafted up by end of September, ready for discussion at ward planning meetings, and for public consultation through the September 'Your Ward' publication and the next round of Ward Committee meetings.
71. Members received a report at the June EMAP setting out a timetable for the review of public toilets, and work is going according to plan. Usage measurement is going on over the summer at a number of the sites. Meetings have been held with York Access Group to discuss access issues. Meetings have also been held with Encams to discuss their potential involvement in the review process.

<b>Key measures from Directorate Plan:</b>	2007/8 Actual	2008/09 1 <sup>st</sup> survey	2008/9 Target
NI195a: % of relevant land with levels of litter below acceptable standards	8%	10%	8%
NI195b: % of relevant land with levels of detritus below acceptable standards	9%	8%	8%
NI195c: % of relevant land with levels of graffiti below acceptable standards	2%	8%	2%
BV89: % of people satisfied with local cleanliness	71%%	Survey to be undertaken	72%



72. NI195 and BV89 are the key measures of this corporate priority. NI195 measures the cleanliness of the local area as members of the public perceive it. The new NI195 is measured using the same survey technique as the old BV199, but the survey results are then used differently to calculate the final figure. The measure is based on a survey of at least 900 sites across the city each year. We complete three surveys each year that each covers about 300 sites in 5 city wards. The figures in the tables above and below are the results of the first of these three annual surveys – completed in June 2008 and focussing on Acomb, Clifton, Fishergate, Haxby & Wigginton and Heslington wards. The table below converts the NI195 scores back into BV199 scores to allow comparison over time.
73. Litter and graffiti exceeded their NI195 targets in the June survey.

% of sites with unacceptable levels of:	2006/7	2007/8 1 <sup>st</sup> survey (May 07)	2007/8 2 <sup>nd</sup> survey (Oct 07)	2007/08 3 <sup>rd</sup> survey (Feb 08)	2007/08 actual	2008/09 1 <sup>st</sup> survey (Jun 08)
BV199a Litter fail rate	15%	4%	13%	21%	12%	16%
BV199a Detritus fail rate	24%	7%	7%	31%	15%	13%
BV199b: Graffiti fail rate	6%	1%	5%	6%	4%	11%

74. While the litter fail rate is above target, new NI195 reporting software developed by Encams allows us to compare ourselves with national standards after each individual survey. This shows that Encams consider York's litter performance to fall in the 'satisfactory' bracket against a national picture of 'unsatisfactory' litter performance overall. However the service is working hard to maintain the high standards seen in the middle of last year following the street scene review.
75. The problem of graffiti continues to grow. 58% of survey sites in June 08 had some graffiti (compared with 25% in the May 07 survey). In response, graffiti has become a greater focus for local agencies. Members agreed to set up a dedicated team at the June EMAP, which we would expect to improve the NI195c score at the next survey (October 08). Performance on graffiti removal was excellent during the first quarter – the average time for graffiti removal was around 1 day. In addition, neighbourhood policing teams have placed more emphasis on the problem, and have made a number of arrests. At the EMAP meeting, members will hopefully be able to see a demonstration of the graffiti website that is being developed to help tackle the problem.

### Other Street Scene Indicators

76. These measures are not included in the directorate plan. However street scene activity is linked to the local environmental quality priority and remains a key area that members have been interested in. The indicators show strong performance on removal of graffiti in particular.
77. Performance on abandoned vehicles dipped in the first quarter. This is mainly due to an experienced member of staff leaving our contractor, which has had a negative impact on their ability to meet their targets. The Head of Service has been talking to the contractor to ensure that performance improves, and the contractor is contributing to the Easy @ York phase 2 project to ensure that systems are effective.

Indicator	06/07 Actual	07/08 Actual	08/09 Q1	08/09 target
BVPI 218a. % of new reports of abandoned vehicles investigated within 24 hours of notification	99.8%	98.1% 256/261	96.6% 57/59	100%
BVPI 218b. % of abandoned vehicles removed within 24 hours (from the point at which we can legally remove them)	91.0%	85.7% 30/37	53.3% 8/15	100%
COLI 77a. Average time taken to remove obscene graffiti (days)	1.55	1.46	1.05 (20 jobs, 95% in time)	2
COLI 77b. Average time taken to remove non-obscene graffiti (days)	2.46	2.50	0.97 (97 jobs, 99% in time)	4
VH5a. Average time taken to remove fly-tips (days) (global figure)	1.69	1.22	1.20 (416 jobs, 93% in time)	2
VH5b. Average time taken to remove fly-tips (days) (NS figure)	0.87	1.08	1.03 (310 jobs, 88% in time)	1

**Priority 12: Waste management (corporate priority)**

<b>Key actions from Directorate Plan:</b>	Milestone	On target?
Explore options for kerbside recycling service, including the Groves pilot (to meet central govt targets)	Ongoing	Yes
Continue to embed enhanced recycling to schools and council offices (linked to NS13)	Ongoing	Yes
Continue to implement the review of commercial waste (link to NS13)	Ongoing	Yes
Complete procurement to provide access to a short term waste facility	Sept 08	Partly
Refresh waste strategy for York.	Dec 08	Yes

78. Work to pilot an extension of kerbside recycling to terraced housing and communal recycling to blocks of flats was agreed by Executive in October 2007. Funding was agreed for a pilot in the Groves area from October 2008. The pilot will allow us to learn about containers, access, storage and vehicle issues which can benefit a later roll out to similar properties in other parts of the city. An open evening for residents of the properties concerned was held on 14<sup>th</sup> August and new containers will be starting to appear in the Groves area from mid September.
79. School recycling is now embedded. During term time, we collect about 6 tonnes of recycling from York schools each week, compared with about 1 tonne per week before the additional service was put in. About 70% of the council's office based staff now have access to office recycling. Discussions are going on about how to bring remaining office buildings on stream where it is economic to do so.
80. By April 2009, a partial interim waste treatment solution (i.e. prior to a waste private finance initiative solution coming on stream) will be in place, but it will have limited capacity. Therefore, the York & North Yorkshire Waste Partnership are exploring opportunities for a further interim solution that will meet its member authorities' needs prior to a final solution coming on stream.
81. Work is going on with Yorwaste to establish a recycling scheme for existing commercial waste customers. We need a scheme to be fully operational by the end of 2008/09 so that we can reduce the LATs costs during 2009/10. Any scheme will need to be self-financing and so we are currently investigating charging mechanisms that could work.
82. A refreshed waste strategy paper is being taken to Executive in September. This paper will update the Executive on progress against the existing strategy, and provide some options for consideration regarding future service developments.
83. Forecasts for the three new national indicators are set out below. The figures are full year forecasts based on activity in the first quarter. They suggest that the council remains on target to reduce the level of waste

being produced by each household, as well as to increase the proportion of household waste that is either reused, recycled or composted.

<b>Key measures from Directorate Plan:</b>	2007/8 Actual	2008/09 Forecast based on Q1	2008/9 Target
NPI191 - Tonnes of residual household waste per household (LAA indicator)	660kg	633kg	640kg
NPI192 - Percentage of household waste sent for reuse, recycling and composting	43.37%	45.07%	45.13%
NPI193 – Percentage of municipal waste landfilled	57.45%	55.39%	55.30%
BV90a – satisfaction with household waste collection	75%	Survey to be undertaken	76%
BV90b – satisfaction with waste recycling facilities	77%	Survey to be undertaken	78%

### **Priority 13: Waste service review and improvement**

<b>Key actions from Directorate Plan:</b>	Milestone	On target?
Implement new integrated commercial waste management system.	June 08	Late
Review working patterns in light of developing waste strategy and pay and grading, and implement.	July 08 + ongoing	Late
Review policy on assisted collections, linked to completion of an equality impact assessment (link to NS4)	Dec 08	Yes

84. A new 'whitespace' computer system continues to be developed to provide accurate management information for the commercial waste service. Technical difficulties have been experienced in interfacing with the council's FMS system, and so the implementation has been delayed from the June 2008 expected date.
85. Once the pay and grading project makes progress and we gain some certainty out of that process, we will be able to start to review working patterns with a view to increasing the reliability, flexibility and efficiency of the refuse collection service. Any review will need to link to any new service developments that follow the Groves pilot.
86. Performance on the key quality measures of missed bins and proportion of missed bins collected by next day both improved in the first quarter. Maintaining high performance consistently during 2008/09 is a key for the service. Work is going on within the Easy @ York phase 2 project to re-engineer the service's administrative processes to reduce and simplify 'back office' work in order to speed up customer service and free up supervisory staff to provide customers with a higher quality service.

<b>Key measures from Directorate Plan:</b>	2006/7	2007/8 actual	2008/9 Quarter 1	2008/9 Target
COLI3: Missed bins per 100,000 collections	77.63	50.60	48.8	40
VW19: Missed bins put right by end of next working day.	58.24%	79.86%	98%	99%
Number of Customer Relationship Management system complaints	67 per month	51.7 per month (620 total)	47 per month (141 total)	<50 per month
BV90a: % of people satisfied with household waste collection	72%	75%	Survey to be undertaken	76%

### **Consultation**

87. The report is primarily an information report for Members and therefore no consultation has been undertaken regarding its contents.

### **Options and Analysis**

88. The report is primarily an information report for Members and therefore no options are provided to Members.

### **Corporate Priorities**

89. Three of the council corporate priorities are directly supported under this portfolio. They are:
- Decrease the tonnage of biodegradable waste and recyclable products going to landfill
  - Improve the actual and perceived condition and appearance of the city's streets, housing estates and publicly accessible spaces
  - Reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York.

### **Implications**

#### **Financial**

90. The report provides details of the portfolio revenue and capital forecasts and therefore implications are contained within the report

#### **Human Resources**

91. There are no significant human resources implications within the report

#### **Equalities**

92. There are no significant equalities implications within the report.

#### **Legal**

93. There are no significant legal implications within the report

#### **Crime and Disorder**

94. There are no significant crime and disorder implications within the report

**Information Technology**

95. There are no significant IT implications within the report.

**Property**

96. There are no significant Property implications within the report.

**Risk Management**

97. The report is primarily a look back at finance and service performance and therefore there are no significant risks in the content of the report.

**Recommendations**

98. That the Advisory Panel advise the Executive Member to approve the financial and performance position of the portfolio.
99. That the Advisory Panel advise the Executive Member to approve the request to release contingency, subject to the approval of the Executive.
100. Reason – In accordance with budgetary and performance monitoring procedures.

**Contact Details**

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Report Approved  Date 15<sup>th</sup> Aug 2008

**Specialist Implications Officers**

**Financial:** None, **Human Resources:** None, **Equalities:** None  
**Legal:** None, **Crime and Disorder:** None, **Information Technology:** None  
**Property:** None, **Risk Management:** None  
**Wards Affected:** *List wards or tick box to indicate all*

All

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

Background Papers – 2008/09 Budget Monitoring papers held at Neighbourhood Services

**Attached Annexes**

- Annex 1 Major service variations against budget for non-traded services  
Annex 2 (Confidential) Monitor 1 report for the traded accounts  
Annex 3 (Confidential) Major Service variations against budget for the traded accounts

**Major Service Variations Identified Against Budgets  
2008/09 Monitor 1**

	Forecast £000	%
<b>Environmental Health and Trading Standards</b> Overspend on legal fees Staffing variances: Vacant Posts Misc Variances <b>Total</b>	46 (21) 5 <b>30</b>	   <b>1.5</b>
<b>Licensing and Bereavement Services</b> No significant variances <b>Total</b>	0 <b>0</b>	 <b>0.0</b>
<b>Registrars Service</b> No significant variances <b>Total</b>	0 <b>0</b>	 <b>0.0</b>
<b>Neighbourhood Management</b> Staffing variances: Vacant posts Overspend on Sanderson Court Overspend on Your Ward publication <b>Total</b>	(52) 6 16 <b>(30)</b>	   <b>(5.6)</b>
<b>Ward Committees</b> No significant variances <b>Total</b>	0 <b>0</b>	 <b>0.0</b>
<b>Neighbourhood Pride Service</b> Overspend on Graffiti removal <b>Total</b>	34 <b>34</b>	 <b>1.4</b>
<b>Enforcement &amp; Environment</b> No significant variances <b>Total</b>	0 <b>0</b>	 <b>0.0</b>

<b>Waste Management, Refuse &amp; Recycling</b>		
Overspend on security	84	
Overspend on Fuel	47	
Overspend on bin replacement	62	
Underspend on Waste Processing	(13)	
<b>Total</b>	<b>180</b>	<b>1.9</b>
<b>Total General Fund</b>	<b>214</b>	<b>1.4</b>
<b>Release of contingency (subject to Executive approval)</b>	<b>(50)</b>	
<b>Adjusted Total General Fund</b>	<b>164</b>	<b>1.1</b>



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