



Notice of meeting of

Shadow Executive

To: Councillors Scott (Chair), Fraser, Gunnell, Horton, King, Looker, Merrett, Potter and Simpson-Laing

Date: Wednesday, 28 November 2007

Time: 3.15 pm

Venue: The Guildhall, York

AGENDA

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 public and press from the meeting during consideration of any exempt information as detailed on the agenda for the Executive meeting to be held on 4 December 2007, under 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 1 - 4)

To approve and sign the minutes of the Shadow Executive meeting held on 14 November 2007.

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 Shadow Executive's remit can do so. The deadline for registering is Tuesday 27 November 2007, at 5.00 pm.

5. Executive Meeting on 4 December 2007 - Calling-in

To consider the items on the agenda for the Executive meeting to be held on 4 December 2007, and to take a decision on whether to call-in any of these items.

Please note that the reports relating to these items will be published on the Council's website on Friday 23 November 2007. The website address is **www.york.gov.uk** Copies of the Executive agenda and reports are also available for viewing at public libraries in York and can be obtained by telephoning Democracy Support Group on York (01904) 551088.

6. The Local Government White Paper 'Strong & Prosperous Communities' and The Local Government and Public Involvement in Health Act 2007 (Pages 5 - 10)

This report provides a briefing on the Local Government White paper in relation to the possibilities for increasing localisation and development of services into communities at a local ward level with appropriate monitoring and reporting to local communities; draft Neighbourhood Charters and action plans and citywide consultation and engagement provisions needed to ensure delivery meets local expectations.

7. Any Other Matters which the Chair decides are urgent under the Local Government Act 1972.

Democracy Officer:

Name: Tracy Johnson

Contact details:

- Telephone – (01904) 551031
- E-mail – tracy.johnson@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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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

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

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;
- Public libraries get copies of **all** public agenda/reports.

City of York Council

Committee Minutes

MEETING	SHADOW EXECUTIVE
DATE	14 NOVEMBER 2007
PRESENT	COUNCILLORS SCOTT (CHAIR), FRASER, GUNNELL, HORTON, KING, LOOKER, MERRETT AND SIMPSON-LAING
APOLOGIES	COUNCILLOR POTTER

93. 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.

Cllr Horton declared a personal and prejudicial interest in Executive Agenda Item 8 (York Racecourse – Application for Lease Extension and Amendments – Minute 100 refers) as a recipient of complimentary tickets from York Racecourse. He left the room during consideration of this item and did not take part in the discussion or decision thereon.

Cllr Looker declared a personal non prejudicial interest in Executive Agenda Item 8 (York Racecourse – Application for Lease Extension and Amendments – Minute 100 refers) as a recipient of complimentary tickets from York Racecourse.

94. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting during consideration of:

- Annex 2 to Executive agenda item 8 (York Racecourse – Application for Lease Extension and Amendments – Minute 100 refers)
- Annex A to Executive agenda item 9 (Review and Strategy for the Commercial Property Portfolio – Minute 101 refers)

on the grounds that they contain information relating to the financial or business affairs of particular persons, which was classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

95. MINUTES

RESOLVED: That the minutes of the last meeting held on 31 October 2007 be approved and signed as a correct record.

96. PUBLIC PARTICIPATION

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

97. EXECUTIVE FORWARD PLAN

The Shadow Executive made the following comments on the Forward Plan at page 9 of the papers circulated for the Executive meeting to be held on 20 November 2007:

The Shadow Executive:

- *welcomed the new format showing slippages;*
- *agreed to provisionally request officers for the following items on the Executive Forward Plan:*

Executive on 4 December

- *Report of the Future York Group*
- *Energy and Water Management – Policy & Practice/ Sustainability in Design*
- *Reducing the Maintenance Backlog*
- *Kendric Ash Review Update*

Executive on 18 December

- *Progress Update: Draft Carbon Management Implementation Plan and progress on Climate Change Strategy for the City*
- *Response to Regional Spatial Strategy – proposed changes*
- *Thin Client Management Arrangements*
- *Review Report – Housing (affordable and social)*

98. IT DEVELOPMENT PLAN 2008-09

The Shadow Executive considered a report which was listed as item 6 on the agenda for the Executive meeting on 20 November 2007, at page 13. The report set out areas for investment in IT that had been identified and put forward by Directors and asked Members to review these proposals and decide which ones they wish to fund.

Having discussed the issues set out in the report, the following comments were agreed:

The Shadow Executive:

- *noted the report;*
- *agreed that in principle, subject to budget, there was a need for Option 2;*
- *recognised the importance of monitoring Health and Safety, but there was a need to ensure training was made a priority to address cultural issues within the Council.*

RESOLVED: (i) That the Executive be asked to take the above comments into account when considering this item.

- (ii) That the item not be called in.

99. COMPREHENSIVE PERFORMANCE ASSESSMENT INSPECTION - SELF ASSESSMENT

The Shadow Executive considered a report which was listed as item 7 on the agenda for the Executive meeting on 20 November 2007, at page 65. The report sought endorsement for the Council's draft self assessment, to be submitted to the Audit Commission on the 10th December 2007, in preparation for the corporate inspection in January 2008.

Having discussed the issues set out in the report and questioned officers present at the meeting, the following comments were agreed:

The Shadow Executive:

- *expressed concerns that the self assessment report was truly reflective of the position;*
- *agreed that there was merit in recognising areas which needed to be addressed, e.g. housing management, shared vision, consultation process, climate change and sustainability;*
- *agreed that more detailed direct comments would be made to the report author and chief officer.*

RESOLVED: (i) That the Executive be asked to take the above comments into account when considering this item.

- (ii) That the item not be called in.

100. YORK RACECOURSE - APPLICATION FOR LEASE EXTENSION AND AMENDMENTS

The Shadow Executive considered a report which was listed as item 8 on the agenda for the Executive meeting on 20 November 2007, at page 107. The report asked Members to consider a request from the Race Committee to extend the lease of York Racecourse to 99 years from 2008, to include permanent rights to retain the 'Ascot Bend' and to make other changes to update the lease.

Having discussed the issues set out in the report and questioned officers present at the meeting, the following comments were agreed:

The Shadow Executive:

- *agreed that the lease did not achieve all that it could and failed to address ward councillors' concerns*
- *agreed that the lease should address:*
 - *alternative southern access from Sim Balk Lane, including traffic management implications*
 - *policing outside of racecourse, through a contribution from the racecourse*
 - *location of temporary toilets*
 - *benefits to York residents*
 - *contributions to traffic management and parking in residential areas*

- *adequate protection for evening racing and implications to the city*
- *investment in area "W"*
- *agreed that alternatively, the council should earmark such monies from rent to address the issues;*
- *recommended that further negotiations were undertaken with the racecourse to address the issues and a report was brought back to the Executive.*

RESOLVED: (i) That the Executive be asked to take the above comments into account when considering this item.

(ii) That the item not be called in.

101. REVIEW AND STRATEGY FOR THE COMMERCIAL PROPERTY PORTFOLIO

The Shadow Executive considered a report which was listed as item 9 on the agenda for the Executive meeting on 20 November 2007, at page 121. The report identified the properties making up the Council's Commercial Property Portfolio, examined the background to current ownership, established criteria for holding these premises in the future and audited performance for the period 2000 to 2005.

Having discussed the issues set out in the report and questioned officers present at the meeting, the following comments were agreed:

The Shadow Executive:

- *welcomed the report;*
- *agreed that it was important to have a strategy and to keep assets for income, as highlighted by MacMillan's comments on Thatcher privatisation and the sale of family silver;*
- *agreed that the community use of buildings should be looked at, as highlighted in the scrutiny review;*
- *agreed that some buildings were of historic importance and CYC membership was in the interest of the city;*
- *agreed that sensitive historic buildings were sold to sympathetic and appropriate organisations;*
- *agreed that it was important to have a suitable investment fund, as highlighted in paragraph 3 of the report, but each sale should be considered on its own merits and the proceeds not automatically put into the fund.*

RESOLVED: (i) That the Executive be asked to take the above comments into account when considering this item.

(ii) That the item not be called in.

Cllr D Scott, Chair

[The meeting started at 3.15 pm and finished at 4.10 pm].



Shadow Executive

28 November 2007

Report of the Director of Neighbourhood Services**The Local Government White Paper 'Strong & Prosperous Communities' and The Local Government and Public Involvement in Health Act 2007****Purpose of report**

1. To provide a briefing on the Local Government White paper in relation to:
 - o The possibilities for increasing localisation and development of services into communities at a local ward level with appropriate monitoring and reporting to local communities.
 - o Draft Neighbourhood Charters and action plans.
 - o Citywide consultation and engagement provisions needed to ensure delivery meets local expectations.

Background

2. The Local Government White Paper 'Strong and Prosperous Communities' was published on 26th October 2006 and was followed by the Local Government and Public Involvement in Health Bill, which received Royal Assent on 30th October 2007. The Local Government and Public Involvement in Health Act (LGPIH Act 2007) provides a legislative framework on which a number of proposals in the White Paper are based. This includes the establishment of unitary authorities, stronger leadership models, community governance, Local Area Agreements (LAA), involvement of local people in local services and policies and Councillor Call for Action. The Act was less proactive than the White Paper; several proposals in the White Paper were not specifically mentioned in the Act. In addition there is still range of Government guidance on individual elements to be produced and some secondary legislation.
3. On the 19th October 2007 the government also published an 'Action Plan for Community Empowerment: Building on Success', in conjunction with the Local Government Association (LGA). This document highlights the progress on key commitments in the White Paper and Governance in

Britain Green Paper. It also includes an action plan around greater devolution and empowerment of communities.

The possibilities for increasing localisation and development of services into communities at local ward level with appropriate monitoring and reporting to local communities

4. The White Paper included a number of proposals that relate to developments at a local level.
5. Councillor Call for Action This initiative termed 'Community Call for Action' (CCfA) in the White Paper. The focus is on the frontline councillor raising local issues affecting constituents within their ward, for referral to overview and scrutiny committee. The objective is to enhance the role of the local councillor as a local champion. This requires secondary legislation and needs to have regard to the current review of the police service due in early 2008 in order to ensure that crime and disorder matters are covered. Some matters will be excluded (such as planning, licensing, council tax and non-domestic rates). It is expected that a councillor raising a Call for Action has taken all reasonable steps to resolve the issue before it is proposed as a Call for Action. CCfA should apply to issues which are a genuine local community concern (based on local councillor judgements) and a persistent problem which the local councillor has been unable to resolve through local action and discussion with the Council Executive or relevant services and agencies. The expectation is that most issues will not get to CCfA stage. The Overview and Scrutiny Committee will not have to take up every CCfA but must consider them at committee and decide whether to take them forward.
6. The White Paper stated that Overview and Scrutiny should be enhanced to review the actions of key local service providers operating in their area and call for evidence in person or in writing. Implementation is anticipated from April 2008. The White Paper also encouraged councils to consider area and neighbourhood scrutiny, linking to the CCfA function.
7. On the 9th October 2007 the government announced, as part of the Comprehensive Spending Review (CSR07), the introduction of a single set of national priorities for local government and partners, to be measured through a single set of 198 National Performance Indicators. From this new performance regime up to 35 targets plus statutory Dept of Children, Schools and Families targets are to be negotiated as part of each area's LAA.
8. The White Paper proposed the transfer of assets to community to increase community management and ownership of assets. The Quirk review of

Community Management and Ownership of local assets was published in March 2007 and government response endorsed full implementation of it in May 2007. Guidance is still required on asset management and transfer, a toolkit on risk assessment and risk management and promotion of 'bottom up' mechanisms. To facilitate the transfer the government has made £30m available via the 'Community Asset Fund' for schemes to come forward to bring assets to a position where they are considered 'fit for purpose'.

9. The LGPIH Act 2007 improved community governance by extending the powers of well-being to Parish Councils who meet the Quality Parish Scheme, (the promotion or improvement of economic, social or environmental well-being). In addition there should be a simplified process for the formation of parish councils.
10. Byelaws – the White Paper stated that the process of byelaw making would be revised to enable local authorities to make byelaws and enforce them by means of fixed penalty notices, without the need for confirmation via the Secretary of State (SoS). The LGPIH Act 2007 when introduced will implement this provision.

Draft Neighbourhood charter or action plans

11. The White Paper introduced the concept of Neighbourhood Charters, seen as a voluntary agreement between the local authority and the local community. These are not required by statute at the current time. However, the government are 'encouraging' their development. Guidance and a 'toolkit' are due to be published later in 2007 from the Department for Communities and Local Government (DCLG) and the Young Foundation. A trial programme is also being run in 12 areas of the country until the end of March 2008 to test the guidance in practice. Information and learning is due to be shared through the National Neighbourhood Management Network (NNMN).

Citywide consultation and engagement provisions needed to ensure delivery meets local expectations

12. In addition to Neighbourhood Charters the government have also introduced other policy areas concerning consultation and engagement.
13. Local Area Agreements – the White Paper proposed these become statutory which has happened via the LGPIH Act 2007. There is a duty on named partners to co-operate in the agreements of targets and have regard to those targets once agreed. Contained within these will be a selection of the new national Indicators.

14. In the White Paper and the Act is a duty to involve local people to be introduced from April 2009. The White Paper proposed that citizens and users be at the heart of services. It is for local authorities and partners to determine how to inform, consult, involve and devolve. Local authorities are encouraged to provide local people with prompt information on quality and performance of local services to enable them to judge effectiveness. Citizens could be directly involved in designing, delivering or assessing services taking into account the needs and requirements across the community. The duty introduced from April 2009 by the LGPIH Act 2007, under its Best Value section, is to:

‘inform, consult and involve local people in local decisions , services and policies.’

15. Local Involvement Networks (LINKs) to replace Patient Forums and ensure local people have a voice in the process of commissioning health and social care and can influence key decisions about the services they use.
16. The White Paper identified petitions are a popular form of civic engagement and encouraged councils to develop a more systematic approach to how petitions are dealt with as part of the engagement strategy. There is likely to be some legislation around petitions in the future.

Options and Analysis

17. This report is for information only. It does not include any options or analysis for members consideration.
18. A report entitled ‘Neighbourhood Management Review’ is scheduled to be discussed by Executive on the 29th January 2008. This report considers future options for enhanced neighbourhood management in York.

Corporate Priorities

19. The information contained within this report relates to the following priorities:
- Delivering what our customers want
 - Providing strong leadership
 - Encourages improvements in everything we do
 - Supporting and developing people within the community

Implications

20. There are no financial, legal, IT, HR, equalities, crime and disorder, property or other implications associated with the content of this report.

Risk Management

21. This report is for information only and does not include any risk management issues for members consideration.

Recommendations

22. Members are requested to note the content of this report.

Contact Details

Author:

Zoe Burns (Head of Neighbourhood Management and Business Support)

Sandra Forbes (Policy Development Officer)

Chief Officer Responsible for the report:

Terry Collins (Director of Neighbourhood Services)

Report Approved **Date** 19 November 2007

Specialist Implications Officer(s) None

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

All

For further information please contact the author of the report

Annexes: None

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