



# Notice of meeting of

# **Scrutiny Management Committee**

- To: Councillors Galvin (Chair), Blanchard (Vice-Chair), Kirk, Moore, Scott, Simpson-Laing, Taylor and R Watson
- Date: Monday, 26 November 2007
- **Time:** 5.30 pm
- Venue: The Guildhall

# <u>AGENDA</u>

## 1. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Minutes (Pages 3 - 6)

To approve and sign the Minutes of the meeting held on 22 October 2007.

## 3. 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 Committee'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 Friday 23 November 2007 at 5 pm.

## 4. Update on Implementation of the Recommendations of Previous Scrutiny Reviews (Pages 7 - 16)

This report provides Members with an update on the implementation of recommendations made as a result of the following scrutiny reviews completed since 2004:

- Take-Aways; Powers of Enforcement completed October 2005
- Recycling & Re-use completed September 2006
- Reducing Carbon Emissions completed September 2006

# 5. Any other business which the Chair decides is urgent under the Local Government Act 1972

Democracy Officer:

Name: Simon Copley Contact details:

- Telephone (01904) 551078
- E-mail simon.copley@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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- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
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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

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# Agenda Item 2

City of York Council	Committee Minutes
MEETING	SCRUTINY MANAGEMENT COMMITTEE
DATE	22 OCTOBER 2007
PRESENT	COUNCILLORS GALVIN (CHAIR), MOORE, SIMPSON-LAING, SCOTT, TAYLOR, R WATSON AND B WATSON (AS SUBSTITUTE FOR BLANCHARD)
APOLOGIES	COUNCILLORS BLANCHARD AND KIRK

#### 21. DECLARATIONS OF INTEREST

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

No interests were declared.

#### 22. MINUTES

RESOLVED: That the minutes of the meeting of the Scrutiny Management Committee held on 17 September 2007 be approved and signed by the Chair as a correct record, with an amendment to include Cllr Galvin once, rather than twice, in the attendance list.

#### 23. PUBLIC PARTICIPATION

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

# 24. UPDATE ON IMPLEMENTATION OF RECOMMENDATIONS OF PREVIOUS SCRUTINY REVIEWS

Members received a report which provided them with an update on the implementation of recommendations made as a result of a scrutiny review of Takeaways: Powers of Enforcement, completed in October 2005.

Members expressed concern that two years after the conclusion of the scrutiny little progress appeared to have been made. They were particularly concerned about the lack of any information on the implementation of recommendations 1 and 3, and the inadequate information supplied on some of the others, such as recommendation 9, which just listed equipment issued to planning enforcement officers but did not address the issue raised regarding the variable levels of equipment between departments. They highlighted that a number of the recommendations appeared to have been ignored, such as recommendation 6, regarding the need for "unmarked" pool cars to available without pre-booking, and recommendation 7, regarding the need for planning enforcements officers to process their own prosecutions. They also noted that the responses to recommendations 2 and 8 had a single departmental focus, on planning, rather than the multi-departmental approach the Scrutiny Board had advocated. Given that no officers had attended the meeting to deal with the Committee's queries and concerns, it was suggested that consideration of the item be deferred for provision of all of the necessary information.

- RESOLVED: That consideration of this item be deferred until the next meeting of the Committee, for the provision of detailed and accurate information about if and when the recommendations would be implemented, and, if they would not be implemented, the reasons why.
- REASON: To raise awareness of those recommendations which have still to be implemented.

#### 25. UPDATE ON WORK OF HEALTH SCRUTINY COMMITTEE

Members received a report which had been intended to introduce an update report from Cllr Tina Funnell as Chair of the Health Scrutiny Committee, on the activities and work to date of the Committee. However Cllr Funnell was unable to attend the meeting owing to illness and a copy of the Committee's work programme was therefore circulated at the meeting for consideration instead.

The report made reference to the following:

- A work planning event in which Members had learned about the plans and priorities of health partners;
- A community consultation event in which Members had listened to the concerns of patient and community groups;
- Planned work for the remainder of the municipal year;
- Other relevant issues connected with the health of the citizens of York.

The Committee's programme of work for the remainder of the year was likely to include some or all of the following:

- Contributing to the "Annual Health Check" the assessment process for NHS Trusts;
- Working with Council Officers who were responsible for procuring the host organisation for the new Local Involvement Network (LINk);
- Considering alternatives to in-patient hospital treatment, particularly in relation to the care and management of one or more long-term conditions;
- Considering the work of North Yorkshire and York Primary Care Trust's (NYYPCT) Exceptions Panel;
- Receiving updates on issues investigated previously by the Health Scrutiny Committee, i.e. dental services in York and the financial status of NYYPCT.
- RESOLVED: That the report on the progress of the Health Scrutiny Committee be noted and future updates be received every 3 months.

REASON: To inform Scrutiny Management Committee of the work and progress of the Health Scrutiny Committee.

#### 26. DRAINAGE IN YORK - FEASIBILITY STUDY

Members received a report which presented the feasibility study for the proposed new scrutiny topic on drainage in York and sought a decision on whether to proceed with a scrutiny review.

Officers updated Members, in relation to paragraph 9 of the report, that the Leader of the Liberal Democrat Group had responded to the consultation and had no objection to the topic proposed.

A revised version of Annex A, the scrutiny topic registration form, was circulated at the meeting, and Cllr Moore, the proposer of the topic, spoke in its support.

The Assistant Director (City Development & Transport) and the Head of Engineering Consultancy attended the meeting. They briefed Members on work currently being carried out to implement the motion passed by Full Council in October and on an officer review of the flooding in June, which would be reported to the Executive Member for Neighbourhood Services and Advisory Panel (EMAP) in December. They also reported that the Department for the Environment, Food & Rural Affairs (DEFRA) was carrying out a number of studies across the country on the interrelationship between the different agencies involved in dealing with flooding.

Some Members expressed the view that scrutiny of this topic at the current time would be premature pending the outcome of work at local and national levels. It was suggested that the topic be rejected now and that a new registration form be submitted after the report to Neighbourhoods Services EMAP had been considered, focused on the specific areas which might require further review in the light of the contents of this report.

- RESOLVED: That it be agreed not to proceed with a review of the topic on drainage in York at the present time, and Cllr Moore be advised that a new registration form could be submitted following the consideration of the officer review report at Neighbourhood Services EMAP.
- REASON: Given that any scrutiny review of this topic would be premature, pending the findings emerging from the existing officer review and the work being done to respond to the Council motion.

#### 27. URGENT BUSINESS - TRAFFIC CONGESTION AD-HOC SCRUTINY SUB-COMMITTEE: CO-OPTION

Members received a report which requested them to consider formally coopting Matthew Page, a lecturer at the Institute for Transport Studies, University of Leeds, onto the Traffic Congestion Scrutiny Sub-Committee. The Chair had agreed to accept this item onto the published agenda under urgent business as it had been outstanding for some time and Mr Page required clarity as to his role and position with regard to his work with the Scrutiny Sub-Committee.

- RESOLVED: That Matthew Page be formally appointed as a non-voting co-opted Member for the duration of the Traffic Congestion Ad Hoc Scrutiny Sub-Committee.
- REASON: In keeping with other existing co-option practices.

Cllr J Galvin, Chair [The meeting started at 5.00 pm and finished at 5.53 pm].



## **Scrutiny Management Committee**

26 November 2007

Report of the Head of Civic Democratic & Legal Services

# Update on Implementation of Recommendations of Previous Scrutiny Reviews

# Summary

- 1. This report provides Members with an update on the implementation of recommendations made as a result of the following scrutiny reviews completed since 2004.
  - Take-Aways; Powers of Enforcement completed October 2005
  - Recycling & Re-use completed September 2006
  - Reducing Carbon Emissions completed September 2006

# Background

- 2. At a previous meeting of Scrutiny Management Committee, Members requested an update on the implementation of the recommendations approved by the Executive as a result of all completed scrutiny reviews since 2004.
- 3. In February 2006 Members considered a report which highlighted those reviews and a decision was taken to write off any where full implementation had occurred. Members then requested that each of the outstanding reviews be looked at in detail.
- 4. Members received a written update on the implementation of the recommendations made as a result of the review of Takeaways: Powers of Enforcement, at a meeting of Scrutiny Management Committee on 22 October 2007. Having considered the information provided, Members agreed that there were some areas where the information was not as thorough as they would like and they therefore requested provision of a further update to ensure a complete understanding of the current implementation status.

# Consultation

- 5. In regard to the review of Takeaways: Powers of Enforcement, a further update is attached at Annex A, and the Assistant Director of Planning & Sustainable Development will be in attendance at the meeting to answer any questions Members may have relating to the information provided.
- 6. Further to the 'Reducing Carbon Emissions' and the 'Recycling & Reuse' reviews, written updates on their implementation status has been provided by

The Head of Housing Services and the Acting Assistant Director of Environment and Fleet respectively – see Annexes B & C.

## Options

- 7. Members may decide to sign off any individual recommendations where implementation has been completed, and can:
  - a. request further updates and the attendance of the relevant officers at a future meeting to clarify any outstanding recommendations relating to the above reviews or;
  - b. agree to receive no further updates on these reviews

## **Corporate Priorities**

8. The process of monitoring and ensuring the implementation of approved recommendations relating to the completed scrutiny reviews listed above will contribute to the following corporate priorities:

Review	Corporate Priority		
Takeaways; Powers of Enforcement & Reducing Carbon Emissions	Reducing the environmental impact of council activities and encourage, empower and promote others to do the same		
Recycling & Re-use	Decreasing the tonnage of biodegradable waste and recyclable products going to landfill		

### Implications

8. There are no known Financial, Human Resources, Equalities, Legal, ITT or Other implications connected to this report.

### **Risk Management**

9. In compliance with the Council's risk management strategy, there are no known risks associated with this report.

### Recommendations

- 10. Members are asked to note the contents of this report and agree which of the recommendations can be written off as fully implemented.
  - Reason: To raise awareness of those recommendations which have still to be implemented.

#### **Contact Details**

Author:	Chief Officer Responsible for the report:			
Melanie Carr	Colin Langley			
Scrutiny Officer	Acting Head of Civic, Democratic & Legal Services			
Scrutiny Services	01904 552001			
01904 552063				
	Report Approved   Date 16 November 2007			
Wards Affected:				
E fronth informer				

# For further information please contact the author of the report

#### Background Papers: None

Annexes: Updates on implementation of agreed recommendations :

Annex A - Takeaways: Powers of Enforcement

Annex B - Reducing Carbon Emissions

Annex C - Recycling & Re-use

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Board and Topic		Recommendations as approved by the Executive on 6 December 2005	Update on Implementation of Recommendations as at September 2007
Environmental & Sustainability Scrutiny Board - Take-Aways;	1	The Environment and Sustainability Scrutiny Board would welcome the positive contribution that the success of the penalty notice support bid would make to addressing these issues.	Update required from Environmental regulation
Powers of Enforcement (Review Completed October 2005)	2	A multi-agency access database containing details about all individual take-away properties should be created. Such details should be in the form of notes on disturbance, environmental heath issues, actions taken to ensure compliance etc and updated by licensing, planning, environmental health and the community police as appropriate. This should be maintained to ensure that it remains current	The PSO G7 - Use of technology to integrate planning, regulation and licensing functions project is still working towards a solution; this is being coordinated by IT.The UNIFORM system provides information, including any conditions imposed on take-aways granted planning permission since 1996. Subject to available IT licences this information is available to other Council departments. environemntal regulation does now have access to UNIFORM. Limited information on Planning Enforcement cases is also available.
	3	Under Section 17 of the Crime & Disorder Act 1998 this information could, and should, be shared with North Yorkshire Police. This would allow Police Officers to assist in the collecting of evidence about late-night activities. The Environment and Sustainability Scrutiny Board would welcome the positive contribution that the success of the IT bid would make to addressing these issues.	An enforcemnt protocol has been formulated and now being implemented,.The licensing authority, police, fire, epu, trading stanards meet on regular basis to discuss problem premises whether licensed or takeaways.Resulting from the scrunity and working with the above agencies we now seek conditions attached to takeaway licences - for example conditions to reduce litter, noise nuisance or to prevent crime and disorder for example insisting on CCTV, Pager systems employing door staff.
	4	That activities be coordinated between all relevant City of York Council Departments (including Street Environment, Environmental Protection Unit, Planning Enforcement and Licensing Officers); especially at the point of determining which enforcement regime would be most effective. Working practices need to be agreed and joint training sessions considered where relevant, to avoid duplication or unwitting interference in each other's cases.	Please see above. Also, Licensing now work more closely with the street cleaning teams identifying failing premises. As reported in September, co-ordination does take place in relation to Enforcement matters. Working relationship with other Directorates is informal. Officers speak to each other, share information and apportion work depending on their statutory function.

Board and Topic		Recommendations as approved by SMC on 23 October 2005	Update on Implementation of Recommendations as of September 2007
Environmental & Sustainability Scrutiny Board - Take-Aways; Powers of Enforcement (Review	5	That the Assistant Director in responsible for the Planning and Enforcement Team be instructed to review risk assessments carried out for all aspects of the officer's duties and to thereafter produce appropriate working practice agreements in consultation with the appropriate Officer In Human Resources.	Risk assessments have been carried out and published. Late night visits are always carried out by officers in pairs, as are any other visits where there is potential for conflict, and using a Council vehicle where appropriate.Planning Enforcement use unmarked vehicle.
Completed October 2005)	6	An official vehicle should be available during the day, or close parking provided for the on-call officer's personal vehicle. Council owned transport should be provided if the officer is working a night shift. Both marked and unmarked vehicles should be available, as required; especially for out of hours working.	Both "marked" and "unmarked" pool cars are available during the day and in the evening, the latter subject to pre-booking. Planning Enforcement officers have permits valid for most Council owned car parks.
		That Planning Enforcement Officers be enabled to process their own prosecutions, that at least one Planning Enforcement Officer to undergo formal Court Training in order to support this. That an investigation should be undertaken to assess which other officers are able to supplement the Planning Enforcement team.	PEOs do not process their own prosecutions. At least one enforcement officer has undergone Court Training, and officer have attended aditional training in relation to formal cautions smd prosecution procedures in the last 6 months A report into staffing resource shortfalls in Planning has identified a requirement for decidated enforcement and appeals admin. Outcome of consideration of the report is awaited
	9	Officers should be equipped with the necessary tools to undertake their work. The present level of equipment between departments is variable. Equipment should be assessed to meet the needs of the work and ensure equality of access between equivalent areas of work	PEOs are issued with Personal Protective Equipment , cameras, measuring equipment, mobile phones etc as required. Equipment required is regulalry review with priority given to any protective equipment required .

#### Comment from Scrutiny Management Committee as of 23 July 2007:

The implementation of these recommendations is not complete therefore this review cannot be signed off. Assistant Director of Planning & Sustainable Development to attend next meeting of SMC in September 2007 to present update and answer any questions arising

Board and Topic	Rec No.	Recommendations as approved by the Executive on 7 November 2006 Update on Reco	mmendations as of November 2007
Reducing Carbon Emissions Scrutiny Sub- Committee (Review Completed Sept 2006)	1	Sustainability Officer as a matter of urgency. This to be done with a view to best practice Strategy for York approaches used by other Local Authorities. It is acknowledged that the Council is already climate change. well advanced in developing its strategies for dealing with climate change, in so far as it being taken forwar has powers to do so, and anticipates that a consultants report will be submitted to is a scheme in w Executive shortly. At that time the SMC may, of course if they wish, choose to review the coordinated appr contents of the report".	The first is to reduce emisions that are a direct result of council activities and this is ard by the council's inclusion in the Carbon Management Programme (CMP). The CMP which the Carbon Trust provide consultants support for Local Authorities to undertake a
		will be provided to reduce the council	rever, one of the contributions to the city wide CCS from the council. An update report for the Executive in December 2007 to provide more details of the proposed projects to cil's own carbon emissions under the CMP and the details of how the CCS for the city will implemented and what it will cover.
	2		
		3 That the City of York Council researches planning policies adopted by other local An Interim Plann authorities with a view to applying them in York, if appropriate, in order to specifically Committee on th ensure energy efficiency by design. That all plans submitted to the Local authority be proposals. It cor tested on these criteria. The proposal to be referred to the LDF Working Group for their energy use and e consideration.	e 22nd November for approval as a material consideration when considering planning nains specific standards for different types of development which cover such issues as
	4	enabled architect	ars over the past year. The specific nature of thermal calculations has led to specialist
	5	5 That the Council, through officers in consultation with its Elected Member Energy BREEAM training Champion request that the Yorkshire and Humber Assembly and/or Yorkshire Forward and has formed facilitate region wide BREEAM assessor training for the region's Development Control (and other appropriate) Officers with the aim of reducing costs to individual Local Authorities, with the aim of reducing future expenditure.	part of the wider training undertaken in preperation of the agreement of the IPS
	6	6 That information, including any response to regional questionnaires, on the Councils This has been un position be reported to the City Strategy EMAP at an appropriate time	ndertaken.

Board and Topic	Rec No.	Recommendations as approved by the Executive on 7 November 2006	Update on Recommendations as of November 2007
Reducing Carbon Emissions Scrutiny Sub- Committee (Review Completed Sept 2006)		That the authority adopt clearer lines of communication to ensure that information already collated by Housing Officers regarding thermal efficiencies improvements and other Carbon reduction measures, is shared with the Sustainability Officer. This should be done to ensure housing data relevant to the developing Environmental Management System (EMAS) is integrated. Officers in Housing should work with the Authority's Sustainability Officer to agree the best format for such data sharing and, ensure advice regarding targeted improvements in housing and the reporting of these outcomes are delivered under EMAS	
	g	That the Local Authority ensures that CYC Officer and Member Positions on the Energy Partnership Board are always filled.	Position filled
Scrutiny Comment	as of 2	external grants revenue.	dations therefore to soon to report on their implementation. Suggest update in September 2007

Board and Topic	Rec No.		Update on Implementation of Recommendations as of November 2007
Commercial Services Scrutiny Board - Recycling & Re- use (Review Completed September 2006)	1	That further consideration be given to the Hazel Court site and surroundings with a view to applying additional spatial – i.e. site linked site facilities - features in partnership with others as per the Site Model based on Waste Hierarchy Principals in the report. Officers to prepare a report for the next meeting of the Executive detailing the proposed roll out arrangements for the cardboard collection service to the remaining 40,000 properties on alternate weekly collection, to ensure that this system maximises the diversion from landfill which can then be re-invested into the service for expansion to new areas	60,000 properties successfully rolled out on March 2006. Significant landfill diversion has been achieved as a result.
	2	i. Use slimmer recycling boxes with a smaller footprint for such areas to	trials in terraced areas. Various types of containers are to be tested during this trial. Equality issues will be addressed.
	3	That the City of York Council be recommended to consider paying Re-use Credits. That prior to the introduction of a scheme, Waste Strategy Officers at the City of York Council prepare a report for Member approval detailing; i. Best practice schemes already running at other Local Authorities including information about the effectiveness of the North Yorkshire County Council scheme	and considered too complicated to implement. There are issues that following re-use the product still has to be disposed of.

Board and Topic	Rec No.	Recommendation as approved by the Executive on 7 November 2006	Update on Implementation of Recommendations as of November 2007
Commercial Services Scrutiny Board -		ii. The likely cost impact of credits upon the authority iii. The terms of an appropriate scheme	
Recycling & Re- use (Review Completed September	4	That the City of York Council be recommended to consider paying Re-use Credits for the Bike Rescue Project. Officers to develop ways for improved working with the Bicycle Recovery Project at the Household Waste Recycling Centres.	This is on-going
2006)	5	That further cross corporate work be done with the project managers and officers in Education, Youth Offending, Equalities and Sustainability and to ensure benefit from potential funding opportunities The recycling team to continue to co-ordinate applications for funding which can be utilised corporately from external sources	Work continues with these officers.
		SMC as of 26 February 2007: Executive have only recently considered and app t on their implementation. Suggest update in November 2007	roved these recommendations