



Notice of meeting of

Effective Organisation Overview & Scrutiny Committee

To: Councillors Watt (Chair), Horton (Vice-Chair), D'Agorne, Firth, Boyce, Gunnell, Hyman and R Watson

Date: Tuesday, 24 November 2009

Time: 5.00 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. Minutes (Pages 1 - 4)

To approve and sign the minutes of the meeting held on 30 September 2009.

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. The deadline for registering is **Monday 23 November at 5pm.**

4. Work Plan (Pages 5 - 6)

5. Second Performance and Financial Monitor (Pages 7 - 24)
for 2009/10

This report provides details of the headline performance issues from the second performance monitor for 2009/10 covering the period from 1st April to 30th September 2009.

6. Presentation - Risk Management Procedure.

Members will receive a presentation on the Council's Risk Management Procedure.

7. Scoping Report - Effective Use of the (Pages 25 - 48) Executive Forward Plan.

This report presents Members with information on the legislative and constitutional requirements associated with an Executive Forward Plan. It highlights those requirements currently not being met and suggests some issues for further consideration as part of this review.

8. Urgent Business

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

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

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

City of York Council

Committee Minutes

MEETING	EFFECTIVE ORGANISATION OVERVIEW & SCRUTINY COMMITTEE
DATE	30 SEPTEMBER 2009
PRESENT	COUNCILLORS WATT (CHAIR), D'AGORNE, FIRTH, GUNNELL, HYMAN, MERRETT, R WATSON AND PIERCE (SUBSTITUTE)
APOLOGIES	COUNCILLORS HORTON

8. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal or prejudicial interests they may have in the business on the agenda. None were declared.

9. MINUTES

RESOLVED: That the minutes of the last meeting held on 30 June 2009 be approved and signed as a correct record by the Chair.

10. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme, on general issues within the remit of the Committee.

11. UPDATE REPORT ON ISSUES RAISED AT LAST MEETING AND RESPONSE TO PREVIOUS REFERRALS MADE BY THIS COMMITTEE

Members received a report which provided them with update information on issues arising at their last meeting in June 2009 and feedback from the Scrutiny Management Committee on the referrals made at that time by this Committee.

The Scrutiny Officer clarified that further to the report on the Single Improvement Plan Refresh 2009/10 which was considered at the last meeting of the Committee, it had been confirmed by the Assistant Director of Customer Service and Governance that the Audit and Governance Committee would not be looking at the following three work streams:

- Member Training
- Internal Communications
- Risk Management.

The Scrutiny Officer advised that although this Committee had the right to scrutinise whatever they wish to, the above had been identified in order to avoid duplication of work with the Audit and Governance Committee.

Members agreed that Project Management was an area of interest to the Committee together with Risk Management, as risks are calculated by Project Managers for inclusion in reports. The Scrutiny Officer advised that the way risks are calculated for reports is a complicated process, despite Officers receiving training on it and the simplification of it may help engagement within the Council. Members were advised it would be difficult to look at both Project Management and Risk Management and that they should initially focus on one of the topics.

After further discussions members felt that they would like to first focus on Risk Management to see how it links into Project Management and requested that they receive a presentation on Risk Management to incorporate the following:

- How risk is calculated
- Monitoring of how staff approach risk management and if they are getting it right.
- How it is measured and monitored.

RESOLVED: (i) That members note the information in the report

 (ii) That a presentation on risk management be added to the Committees work plan.

REASON: To ensure a robust and relevant work plan is agreed for this municipal year.

12. REVIEW OF THE EXECUTIVE FORWARD PLAN

Members considered a report which advised them of the regulations around the use of the Executive Forward Plan including how it is used and whether it enables and supports the pre-decision scrutiny of forthcoming decisions. The report identified alternative options for its use in order to support the recent changes to the decision making process and the overview and scrutiny function in York.

Members queried why the Forward Plan did not include forthcoming decisions for a whole 4 month period. The Scrutiny Officer advised that the Council's Forward Plan is currently not being used in line with that aspect of the legislation and that is one of the reasons why the review had been proposed.

Members suggested that the Forward Plan should be displayed in a public area such as a reception or on a notice board.

They also expressed disappointment at the comments made by Officers regarding the Forward Plan and questioned whether better training was required in order for officers to use it more effectively.

The Scrutiny Officer agreed to produce a scoping report detailing the purpose of the forward plan and its structure for the next meeting.

RESOLVED: That Members wish to proceed with a review of the Executive Forward Plan taking into consideration the following key objectives:

- (i) To understand how the Forward Plan currently operates
- (ii) To ensure the Forward Plan works effectively within legislative requirements
- (iii) To recommend appropriate changes to the Forward Plan working practices, to deliver an agreed corporate approach.

REASON: To review the effectiveness of the Executive Forward Plan and its role in providing public information and supporting the decision making process.

13. FIRST PERFORMANCE AND FINANCIAL MONITOR FOR 2009/10

Members received a report which provided details of how the Council had performed during the period from 1st April to 30th June 2009. Three areas of performance were covered in the report; finance, performance and key projects and priorities.

Officers outlined the report and highlighted the following:

Financial:

- The general fund budget for 2009/10 is £117,705k
- The current projection is that there will be a gross overspend of £4,457k
- Economic Climate is a reason for the pressures.
- Increased demand in Social Care, including Children's Services, has contributed to the overspend.

Performance

- A quarter of the national performance indicators have data available at this point in the year.
- 54% are improving compared to last year
- 29% have seen a decline.

Members expressed concern on certain aspects of the report such as the significant pressures arising due to the economic recession and the overspend in Social Care. The Scrutiny Officer advised that the Learning &

Culture Overview and Scrutiny Committee had already agreed to look at the social care overspend in more detail.

In context of the Park and Ride scheme and the provision of free passes for Council staff, members queried if the Green Travel Plan for the Council could be looked at to establish how it has been delivered to individual Council departments and whether it was being co-ordinated from a central point. The Chair commented that it would be useful to know how the organisation of the Green Travel Plan had been approached up to now. The Scrutiny Officer suggested a presentation at a future meeting would be useful to provide members with more information and to assist the committee in deciding if the Green Travel Plan would be a suitable topic for scrutiny review.

RESOLVED: (i) That Members noted the performance and finance issues identified in the report in particular;

- The work already undertaken within directorates to reduce the potential overspending.
- The need for further work to bring expenditure in line with the budget.
- The longer term need for growth in some budgets, which will require compensating efficiencies and service transformation across the Council.

REASON: To monitor the performance of the service plan areas relevant to the remit of the committee.

RESOLVED: (iii) That a presentation on the Green Travel Plan be received at the meeting in January 2010.

REASON: To consider whether the issue is a suitable topic for scrutiny review.

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Councillor Watt, Chair
[The meeting started at 4.30 pm and finished at 5.30 pm].

Effective Organisation Overview & Scrutiny Committee Work Plan 2009-10

Meeting Date	Work Programme
30 June 2009	<ol style="list-style-type: none"> 1. Report on Overview & Scrutiny Committees - Terms of Reference 2. Information Report on Improvement Plan 2009/10 3. 2008/09 Year End Outturn Report 4. Corporate Strategy – Key Performance Indicators & Actions for 2009/10 – Understanding the corporate priorities relevant to the Committee’s ‘terms of reference’ in order to establish a baseline for making proposals for changes to the Corporate Priorities in 2010/11
30 September 2009	<ol style="list-style-type: none"> 1. First Quarter Monitoring Report 2. Feasibility Report for possible review of ‘The Executive Forward Plan’ 3. Update Report presenting correct performance indicators relevant to this Committee and feedback on referrals previously made to SMC 4. Two Feasibility Reports - subject to expected topic registration forms being submitted (on HR and Project Management)
24 November 2009	<ol style="list-style-type: none"> 1. Second Quarter Monitoring Report 2. Presentation on Risk Management 3. Scoping Report for Review on Effective Use of the Executive Forward Plan 4. Attendance of the Executive Leader & the Executive Member for Corporate Services – Invitations sent, awaiting responses
12 January 2010	<ol style="list-style-type: none"> 1. Budget Consultation 2. Audit Commission Report on Use of Resources 3. Interim Report for Review on Effective Use of the Executive Forward Plan
23 February 2010	<ol style="list-style-type: none"> 1. Third Quarter Monitoring Report 2. Annual Report from relevant Local Strategic Partners

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Effective Organisation Overview & Scrutiny Committee

24 November 2009

Report of the Director of Resources

Second Performance and Financial Monitor for 2009/10

Purpose

- 1 This report provides details of the headline performance issues from the second performance monitor of 2009/10 covering the period from 1st April to 30th September 2009, with further up-to-date data where possible. Three areas of performance are covered in this report:
 1. *Finance* – which covers service and corporate budgets.
 2. *Performance* – which examines how well the council is performing across a wide range of performance indicators, at both corporate and directorate level.
 3. *Key projects and priorities* – providing an update on progress against the council's corporate priorities and the key projects that support their improvement.

Summary

- Following an extensive review of activity across all areas of the organisation, the council is forecasting that it will out-turn on budget in 2009/10. This forecast is predicated on directorates continuing to identify options to achieve savings equating to 1.5% of their net budgets.
- National Performance Indicators (NPIs) – 56% of NPIs (with data available) are improving, with 62% on track to hit their 09/10 target. 75% of the LAA indicators (with data available) are improving and on track to hit their 09/10 target. Areas of poor performance are also being reviewed and benchmarked for improvement and action is being taken where appropriate.
- Corporate Strategy – 6 of the 54 milestone actions have now been completed and just under three quarters are on track to hit their agreed deadline. Slippage has been reported for 10 of the actions, although half of these will still be delivered before March 2009/10 (i.e. within year 1 of the strategy).

Finance - Overview

- 2 The General Fund budget for 2009/10 is currently £117,805k, with utilisation of balances and reserves reducing the call on Council Tax to £113,536k. Current projections indicate that financial pressures amounting to £1,842k need to be managed by directorates in order to contain overall spending within budget by the end of the financial year.
- 3 The savings required to contain the above pressures equates to a target reduction of 1.5% of net budget for each directorate. Many actions have already been identified

and implemented to achieve these targets. Review work is continuing in order to identify further options to ensure that the revised spending targets are achieved.

4 An overview of the current position is summarised on a directorate by directorate basis in the table below. The key areas of change from the previous report are;

- a HASS – an increase in overspend of £516k which is attributable to meeting the continued rise in adult social care across the city.
- b LCCS – an increase in overspend of £351k which is attributable to increased fostering costs for children in care.
- c City Strategy – an increase in overspend of £133k which is attributable to rising numbers in Concessionary Fares passengers. This is after the directorate has identified a further £294k in savings, primarily linked to vacancy management.
- d Resources – an increase in underspend of £145k which is possible due to the further identification of savings linked to delaying the replacement payroll system implementation costs and reduced usage of agency staff.

The table also incorporates the following assumptions on corporate strategies that can be implemented at the financial year end in order to assist in addressing the overall financial pressure;

- e VAT Refund – a further refund from HMRC is being claimed linked to the Conde Nast and Fleming cases and a prudent estimate of £750k is assumed based on a review of risks surrounding the scale and timing of the receipt.
- f Insurance Fund Release – a risk analysis of the level of the Insurance Fund reserve has been undertaken which has revealed that a prudent sum of £500k could be released to the General Fund.
- g Revenue Contribution To Capital Programme – change £100k of funding of the capital programme from revenue contributions to prudential borrowing.

2009/10 Net Budget	Directorate	Monitor 1 Variance	Monitor 2 Variance	Movement
£'000		£'000	£'000	£'000
38,650	LCCS	+1,376	+1,727	+351
8,525	City Strategy	+458	+591	+133
30,697	Neighbourhood Services	+320	+292	-28
2,217	Chief Executive's	+31	+56	+25
6,409	Resources	-232	-377	-145
40,084	HASS	+589	+1,105	+516
400	Credit Crunch Budget Funding	-400	-900	-500
126,982	PORTFOLIO BUDGETS	+2,142	+2,494	+352
-22,975	Asset Rental Adjustments	-	-	-
4,882	Other Central Budgets	+28	-722	-750
8,557	Treasury Management	+529	+429	-100
359	General Contingency	-359	-359	-
117,805	GROSS BUDGET	+2,340	+1,842	-498
-	1.5% Net budget savings	-	-1,842	-1,842
117,805	GROSS BUDGET	+2,340	-	-2,340

- 5 There are further potential future cost pressures that are not included in the projected figures, most significantly the cost of appeals following the recent implementation of the pay and grading review. Preliminary indicative costings are that these costs can be contained in 2009/10, however it is recognised that there will be additional cost pressures in future years.
- 6 The figures in the table assume that the £400k credit crunch budget, together with the £500k assumed from the Insurance Fund reserve will be held to offset the income shortfalls in service areas, and the remaining £359k general contingency will not be spent resulting in a further saving to offset overspends elsewhere. In light of the current financial situation, no further allocations from the £359k balance on the contingency will be considered for approval.
- 7 It should be noted that any overspend will reduce the overall level of the council's revenue reserves and should the current level of spend continue it will take the council below its recommended minimum threshold. This will have implications on next year's Council Tax levels both to contain the expenditure and also to re-build the reserve levels.
- 8 Whilst it is appreciated that a significant proportion of the overspend is attributed to the current economic climate, many of the departmental pressures are recurring and as a result will require services to identify actions to address them as part of the 2010/11 budget process.
- 9 The actions being taken by directorates will be continually monitored by CMT and through discussion with Executive Members to ensure that expenditure is brought back in line with the budget by the end of the financial year. Looking ahead to 2010/11, it is important that some of the ongoing budgetary pressures are addressed as part of the financial strategy. This is likely to result in the requirement for further savings, and thereby re-enforcing the need for the fundamental transformation of services across the council, through the More for York programme.

General Fund

- 10 The following sections provide further information on the current pressures each directorate is facing, as outlined in the main budget table in paragraph 3.

Learning, Culture & Children's Services

- 11 Learning, Culture and Children's Services is currently projecting an overspend of £1,727k, which represents a net increase of £351k since Monitor 1. In Children & Young People's Services, there are numerous overspends across the statutory children's social care budgets totalling £1,404k (12.6% of the total CSC budget). The vast majority of this is due to the continuing increase in the Looked After Children (LAC) population, up from 166 at March 2008 to 199 at March 2009 and 219 at 30 September 2009, an increase of 32% with no accompanying increase to the budget. The directorate has managed to contain the financial increase at a much lower level than the percentage increase in LAC by, in part, continuing the expansion of the local fostering programme and thereby reducing the proportion of LAC placed in more expensive out of city placements.
- 12 Home to School Transport budgets are projecting an overspend of £316k due to increased SEN taxi costs, more LAC (as above) and more appeals granted by Members.

- 13 There are unbudgeted net additional costs, estimated at £322k in 2009/10, across all LCCS services following the implementation of the new pay and grading system for Local Government Services (LGS) staff. This is almost entirely due to a significant number of staff now being entitled to additional allowance payments for contracted shift, evening and weekend working which were all contained within basic pay under the previous pay system.
- 14 Other projected overspends elsewhere across the directorate include shortfalls in fee income in Adult Education (£76k) and the Music Service (£65k), and Youth Service activity that has continued to be undertaken even though the external funding supporting it has now ceased (£39k). This is offset by an underspend of £340k due to the staffing structures supporting the new Integrated Children's Centres not yet being fully recruited to.
- 15 Overspends are also being forecasted in Leisure & Culture with the Library Service currently experiencing an expected £92k shortfall in income and additional costs totalling £35k on publicity, IT hardware and licenses. Sport & Active Leisure are predicting a £125k overspend, linked in part to shortfalls in income at Edmund Wilson Swimming Pool and increased energy costs due to higher prices for steam and increased electricity usage at Yearsley Swimming Pool.
- 16 The directorate has already taken steps to address its overspend position by identifying one-off in year savings for 2009/10. All Service Managers were required to identify savings totalling 2% of their budgets. This has produced budget savings totalling £336k from staffing savings and vacancy management measures (£135k), reprioritisation of grant funding (£54k), targeted increases in income from traded services (£28k) and reduced repairs & maintenance work in the city's parks & open spaces (£28k). In addition LCCS has gained agreement from the Schools Forum to fund an additional £100k of SEN Transport costs from the Schools Budget.

City Strategy

- 17 It is currently forecasted that City Strategy will have an overall overspend of £591k, an increase of £133k from Monitor 1. Services in the directorate are still experiencing income shortfalls related to the economic climate including planning with applications down 20% this year (£500k), parking income (£133k), building control (£125k) and a reduced Yorwaste dividend (£130k).
- 18 Concessionary Fares is also representing a significant pressure of £420k, linked to an increased demand for fares and tokens, however this is offset by a forecasted in-year reduction in related costs of £204k resulting from the Concessionary Fare Partnership seeking to reduce the council's rate used to reimburse bus operators.
- 19 Property Services is also experiencing cost pressures mainly due to an assumed loss in the Commercial portfolio linked to not receiving wayleave income at Harewood Whin (£150k), increased costs associated with maintaining surplus assets such Parkside and the Manor and Lowfields schools (£98k) and lost rent due to the sale of property at Patrick Pool (£32k).
- 20 Current forecasts are that Economic Development will out-turn £2k under budget. This is mainly possible due to a fundamental review of markets and city centre area budgets which has resulted in a lower, more achievable income target for Newgate

Market, with savings in other operating costs further contributing to the improved position.

- 21 The directorate has already identified a number of areas where it will reduce its overspend including vacancy management measures (£394k), cash limiting other budgets (£175k) and the potential additional receipt of further Housing and Planning Delivery grant (£440k).

Neighbourhood Services

- 22 The latest projection for Neighbourhood Services is an overspend of £292k, which represents an improvement of £28k from Monitor 1. Cost pressures identified in Monitor 1 still remain, namely Landfill Tax costs (£200k), shortfalls in Commercial Waste income (£100k) and security costs at Towthorpe HWRC (£75k). Further pressures have been identified including an overspend in the Neighbourhood Pride Service (£91k) and a shortfall in income in Bereavement Services (£51k).
- 23 This is offset by a projected £200k in year saving linked to extending transport leases and £86k in vacancy management controls.

Chief Executives

- 24 The residual Chief Executive's department is forecasting an overspend of £56k, an increase of £25k from Monitor 1. This is primarily attributable to a £38k shortfall in income from the Print Unit and the sponsorship of boundary signs.

Resources

- 25 Resources is projecting an underspend of £377k which is an increase of £145k from the previous report. This position has been made possible by the identification of in year mitigating savings of £316k, namely delaying the implementation costs of the payroll replacement system until 2010/11 (£145k), reduced usage of agency staff (£71k) and other savings across the directorate (£100k).

Housing and Adult Social Services

- 26 Housing and Adult Social Services are forecasting an overspend of £1,105k, which represents an increase of £516k from Monitor 1. The underlying causes of the overspend reported at Monitor 1 still exist, namely increases in the number of customers supported at home, increased Direct Payment take up and increases in the number of Mental Health residential and nursing placements. In addition to these issues, the following areas are contributing to the increased forecast:
- An increase in the staffing establishment at one EPH to respond to an increase in the customers with a very high level of need and to deal with safeguarding issues (£40k).
 - A further increase in the complexity of community based support for Learning Disabilities, in particular a need to provide sleep in cover for more customers (£80k).
 - An increase in the number and cost of residential and nursing placements (£170k).
 - A further increase in the number of Older People needing community based supports (£90k).
 - Continued use of agency staff across front line services (£84k).
- 27 Furthermore, within the overall figure, Housing General Fund is now projecting an overspend of £52k in comparison to Monitor 1 where it was predicted the service

would out-turn on budget. The revised estimate is due to the increasing cost of the repairs partnership and a projected shortfall in private sector enforcement income.

- 28 The directorate has already identified in year savings of £665k to address the overspend which is comprised of the redirection of grants (£389k), a reduction in training expenditure (£150k) and vacancy management controls (£126k).

Central Budgets

- 29 Treasury Management activity is still predicting an overspend of £529k which represents no change from Monitor 1. The market conditions that are the underlying cause of the overspend remain, namely lower interest rates affecting both the interest paid on borrowing and interest earned on investments.
- 30 The remaining £28k overspend is attributable to increased costs of providing staff with Park and Ride passes.

Non General Fund

Dedicated Schools Grant

- 31 In the Dedicated School Grant (DSG) area there is a projected overspend of £384k against a budget of £87,865k. Due to the nature of the DSG, any underspend must be carried forward and added to the following year's funding with overspends either being funded from the general fund or reducing the following year's funding allocation. Following the convention used in previous years, the overspend would reduce the level of DSG funding available in 2010/11.

Housing Revenue Account (HRA)

- 32 The budgeted HRA balance is £8,149k. The current projection is that there will be a £415k overspend which will reduce this balance to £7,734k. The main reason for the variation is linked to repairs and maintenance activity.

Reserves

- 33 The table below shows a summary of the council's revenue reserves. It is currently projected that the balance of these reserves will be £4,493k at 31 March 2010 before any potential year end over or underspends, but inclusive of the £500k assumed from the Insurance Fund reserve as highlighted in paragraph 4f. The 2009/10 budget process recommended a minimum threshold for revenue reserves of approximately £5,500k and the figures outlined show a projected deficit of £1,007k below this.

	2009/10 £000
General Fund Reserve	
Balance at 1 April	(10,012)
Less: Already Committed To Annual Budget	3,697
Proposed Transfer to Capital	2,000
Carry Forward Underspend from Previous Years	472
Supplementary Releases	600
Revised General Fund Reserve	<u>(3,243)</u>
Add: Committed Transfers into the Reserve	<u>(1,250)</u>
	(1,250)
Expected General Fund Reserve as at 31 March	(4,493)
Estimated Minimum Reserves Threshold	(5,500)
Projected Deficit In Reserves	1,007

- 34 This re-enforces the requirement for action being taken to reduce the current forecasted overspend, as should the current level of spend continue it will take the council well below the recommended minimum threshold for revenue reserves which will have implications on next year's Council Tax levels both to contain the expenditure and also to re-build the reserve levels.

Performance indicators

- 35 Overall 32% (69 out of 215) of the national performance indicators have data available at this point in the year, mainly due to most being collected annually or through periodical surveys. Many are also published via government bodies at the end of the year. Of those available, 56% are improving compared to last year and 62% are on track to hit their 2009/10 target. Only 13 out of 50 LAA indicators have 2009/10 data available at this stage in the year with 75% of those showing improvement and forecasting to hit their 09/10 target.

	Reported this month	Improving	Declining	Stable	On target
National Indicators (NPIs)	69 of 215 (32%)	38 of 68 (56%)	20 of 68 (29%)	10 of 68 (15%)	41 of 66 (62%)
LAA indicators (sub-set of NPIs above)	13* of 50 (26%)	9 of 12 (75%)	2 of 12 (17%)	1 of 12 (8%)	9 of 12 (75%)

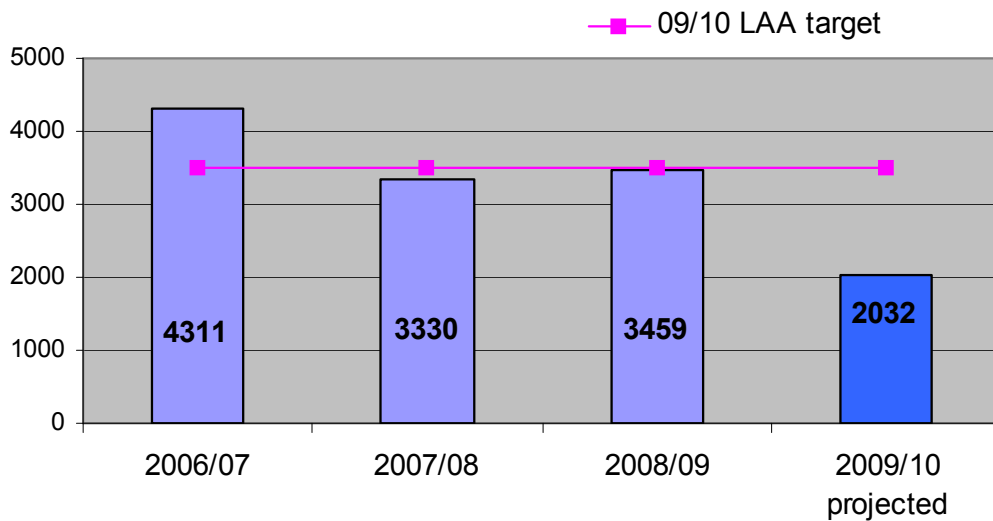
* there is 1 LAA indicator with in year data available but no targets or historic data as this is the baseline year, Local Indicator 5 (LI5) which is included in more detail in para 54.

- 36 Using the PwC benchmarking club comparisons with performance at other councils have been made against a number of national indicators. Where quartiles are mentioned in this report it covers the most up-to-date performance plotted against comparative data from PwC. It also only compares CYC performance against those authorities who are members of the benchmarking consortium.
- 37 The following paragraphs provide members with details of indicators where performance is deemed to be an exception (e.g. good improvement or possible areas of concern). In particular, indicators that support priority improvement (e.g. LAA or corporate strategy targets) have been included.

Community Safety

- 38 *NPI 16 (LAA): Serious acquisitive crime (SAC).* In Q1 a significant decline was reported in SAC incidents for the first 3 months of 2009/10. Incidents between July and September have brought the 6 month total to 1016, which has slightly increased the year end forecast (previously 1806 in Q1 and now 2032). Nevertheless, the number of SAC incidents reported is still heading for a 42% reduction on the 3459 reported in 2008/09 and comes in well under the 2009/10 LAA target of 3696. This reduction has been attributed to good intelligence led policing and to a number of schemes which were designed specifically to target SAC type incidents. This was also supported by other prolific offender based initiatives.

Serious acquisitive crime levels in York

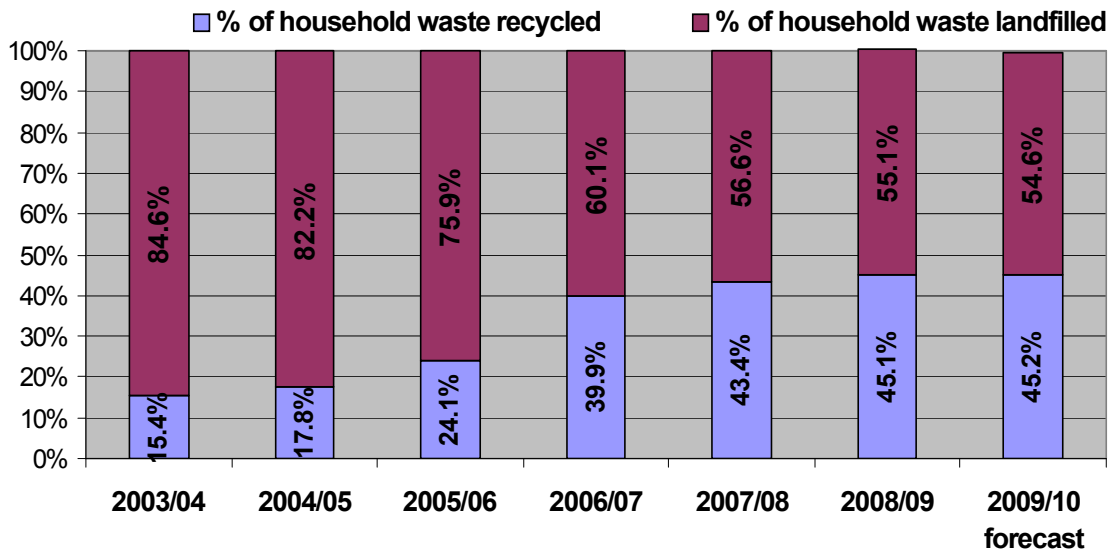


- 39 *NPI 43: Youth Custody.* The % of young people within the Youth Justice System receiving a conviction in court who are sentenced to custody aged 10-17 has remained low at 3% between April and September 2009 against a target of 5% and last year's performance of 4.9% which is top quartile performance.
- 40 *NPI 111 (LAA): First time entrants to the Youth Justice System.* There has been slightly lower than expected first time entrants into the Youth Justice system using information recorded between April and September 2009 (1021 FTEs per 100,000 in Q2 compared to Q2 target of 1093). This is much improved from the situation at the end of Q1 when the number was well above target. Further work is being done with the Police to establish the reasons for the much higher levels in Q1.

Waste & recycling

- 41 *NPIs 191(LAA) to 193: Waste management.* Current predictions for the amount of residual waste collected per household is that it will drop to 586kgs in 2009/10. This is a further improvement on the 629kg collected in 2008/09 and represents a 12% decrease since 2007/08. If achieved, performance in 2009/10 will come in well under both the 2009/10 and 2010/11 LAA targets (617kgs & 611kgs respectively). Waste recycling levels also continue to improve for the 7th year running, although the forecast for year-end as at Q2 is slightly lower than that forecast in Q1 (45.2%). Landfill levels are also forecast to improve on 2008/09 (54.6% for 2009/10 compared to 55.1%).
- 42 Despite these improvements, current predictions are that York will fall short of the 2009/10 targets set for recycling and landfill. The targets set were based on the extension of kerbside recycling to 92% of households by March 2010. However, this has been offset by a change in buying habits as a result of the recession. The amount of 'dry recyclable waste' being collected (newspapers, magazines, drink bottles/cans) is reducing, in line with a national trend. These indicators however, are not LAA stretch targets and the continued improvement should be the main area of focus.

York's waste recycling and landfill rates



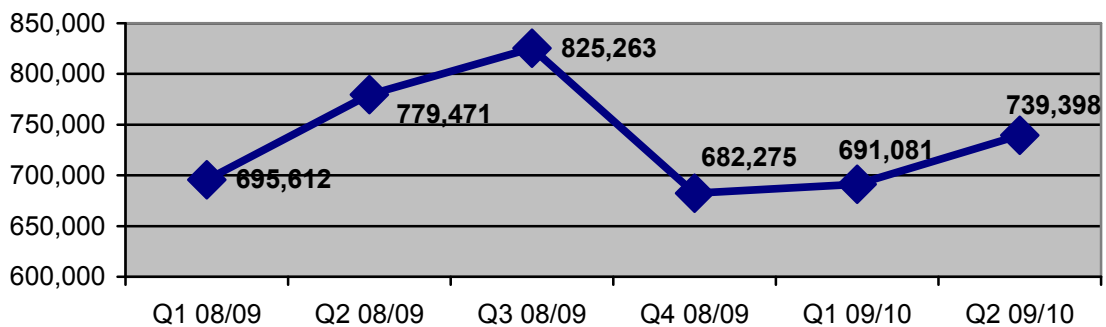
Note: Landfill & recycling figures do not add up to 100% since 2008/09 as a result of changes to the way that some of the waste collected is categorised.

Transport & road safety

43 NPI 47 (LAA): people killed or seriously injured in road traffic accidents. The number of incidents for April to September 2009 currently stands at 20. This is significantly better than the 44 incidents that occurred for the same time period in 2008. A range of successful initiatives have been introduced over the past year, including the 'Made you Look' campaign, which was launched in 2008. Others include a 'Safer Business Driving Conference', coordinated by the council in June 2009 and a similar event for older drivers took place in October 2009. NI 47 is an LAA indicator and if the trend continues York will come in well under the 2009/10 target of 87 incidents.

44 *Park and Ride*: The number of Park and Ride passenger journeys has fallen compared to the same time period in 2008. Residents and visitors to York are being encouraged to use the bus through a variety of means. These include York's first 'Car Free Day' on 22nd September when two of the City's major bus operators were offering free day passes on their services (First/Park & Ride and Transdev/Coastliner). The council is also gradually rolling the 'Your next bus' initiative, providing SMS text, real time bus information to mobile phone users.

Park and Ride Passengers



Note: It is not possible to compare to previous park and ride figures due to a change in the way the numbers are counted. There are also seasonal variations.

Housing

- 45 *NPI 155 (LAA): Affordable homes.* All bungalows on St Anne's site have now been demolished and work has started on building new 'affordable bungalows'. Work has also started on Phase 2 at Richmond & Regent Street. The number of affordable homes that will be delivered by the council this year is predicted to be around 150-180. This will be similar to the 155 delivered in 2008/09, but will fall short of the 2009/10 LAA target of 280 homes. The current economic climate has had a major impact on this indicator (the 2010/11 target of 350 was set before the recession started). Officers are meeting with the Government Office in November to help revise this target to reflect more achievable performance under the current economic circumstances.

Environment & Cleanliness

- 46 *NI 186 (LAA) - Per Capita CO2 emissions in the LA area.* CO2 emissions have reduced from 6.7 tonnes to an estimated 6.1 tonnes in 09/10 (2007 data). This is a significant improvement considering between 2005 and 2006 the tonnage only reduced from 6.9 to 6.7 tonnes. The overall LAA target for this indicator is to reduce per capita carbon emissions to 5.9 tonnes by 2010/11 (2008 data). PwC data indicates that York has the second best performance in the region, just behind Rotherham, but well ahead of Leeds, Nottingham, Doncaster, Barnsley, Sheffield and Northeast Lincolnshire.
- 47 *NPI195a-d: Street environment and cleanliness.* Four NPIs measure the proportion of areas around York that suffer from unacceptable levels of litter, detritus, graffiti and fly-posting. They are measured by a street cleanliness survey three times a year. In 2008/09 performance on all four indicators declined slightly. However, the first 2 surveys of 2009/10 show encouraging results and forecasts across all 4 areas (see table below).

Since the first survey in June 2009, Neighbourhood Services have taken additional steps to improve performance in areas where the survey was suggesting a problem, such as industrial areas and high density housing areas. In high density housing areas (terraced streets and other streets with high levels of parked cars), they have implemented a second full clean each year, with residents being asked to move their cars to allow cleaning to take place. The final winter survey will be undertaken in February 2010 and in previous years this has proved the worst survey result, largely due to weather impact on operations and detritus levels.

NI195 – Street Cleanliness

	Litter	Detritus	Graffiti	Fly-posting
2007/08	7.6%	8.9%	2.3%	0.3%
2008/09	8.9%	11.0%	4.7%	1.1%
2009/10 (1 st survey in June)	4.5%	13.3%	2.6%	0.0%
2009/10 (2 nd survey in October)	3.3%	4.0%	1.9%	0.0%
2009/10 (year to date)	3.9%	8.7%	2.3%	0%
2009/10 year-end forecast	6.5%	9%	2.3%	0.0%
2009/10 target	7.5%	9.0%	4.0%	1.0%

Adult Care

- 48 *NPI 130 (LAA): Self directed support for Adults.* HASS continues to make improvements to the number of adults receiving self-directed support, with performance currently running at 8.54% (projecting 14% for year-end). This compares well to the 7.39% outturn for 2008/09 and if achieved, would exceed the 12.5% LAA target and move York from the third to top quartile based on PwC data. HASS have

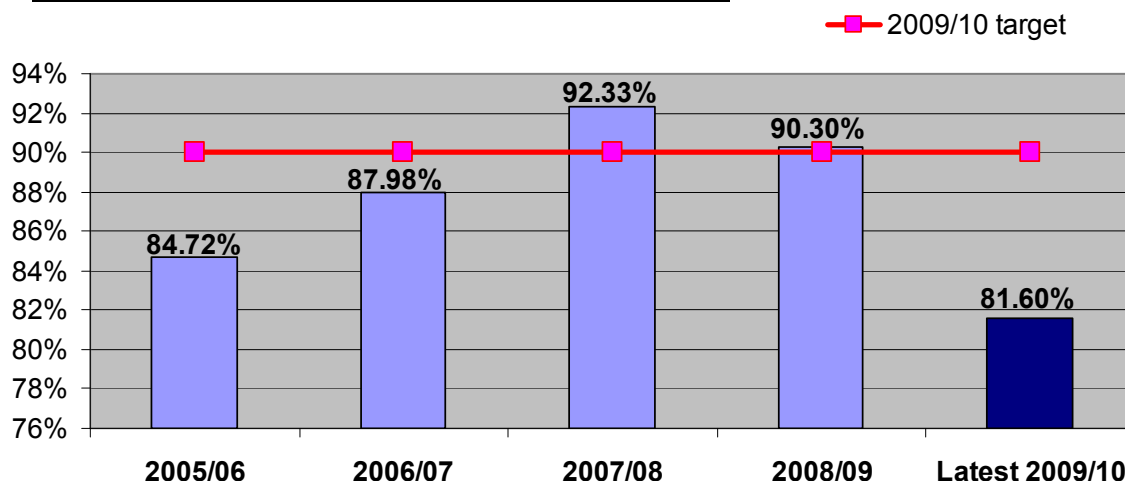
set a more challenging internal target of 15% (which came out of regional improvement meetings) and York's forecast performance would fall 1% short of this.

49 *NPI 135 (LAA): % of carers receiving needs assessments.* Performance is currently running at 16.2%, with a year-end projection of 22.5% (which matches the 2009/10 LAA target). If achieved, this would raise York from the bottom to the third quartile, based on PwC Q1 data.

50 *NPIs 132 & 133 – timeliness of social care assessments and packages.* Both these indicators cover areas that need to show improvement to address performance issues highlighted in the last Adult Social Care inspection. Progress so far this year is mixed:

- *Timeliness of assessments:* Performance has improved from 67.1% to 78.37%, which exceeds the 2009/10 target of 77%. If this was maintained, it would move York up from the bottom to the 3rd quartile, based on PwC comparative data.
- *Timeliness of care packages:* Performance has dropped in the first period of this year (currently 81.6% compared 90.3% in 2008/09). This falls short of the 90% target set for 2009/10 and if no further improvement is made this year, this will move York from 3rd to the bottom quartile of unitary authorities. There are a number of issues that have caused this drop in performance, including a lack of availability of EMI (elderly mentally ill) beds leading to people having to wait longer from a completed assessment. HASS are taking a number of actions to address performance, including addressing incorrect reporting (i.e. how certain types of residential stays are reported), and improving the delivery of re-enablement home care when people leave hospital is also being explored. These actions should lead to improvement and performance may be closer to target by March 2009.

NI 133: Timeliness of Social Care Packages



Children & Education

51 *NPI 62: CLA placements.* The % of children in care having 3 or more moves of placement, is showing continued good performance, and if trends continue this could significantly improve on past years performance. This is significant due to the recent high volumes of looked after children placing increasing pressure on resources. It is now top quartile performance compared to 21 unitary authorities in the PwC benchmarking club.

- 52 *NPI 68: Children's Social Care referral.* The % of referrals to children's social care services going on to initial assessment. Current trends show that this indicator will be close to the 2009/10 target of 68% by year-end, however it is currently not performing at target levels. It has been significantly impacted by short-term resource issues and it is hoped that by the third quarter improvements will be seen from the current performance of 42.5%. This indicator is a proxy for several issues (i.e. the appropriateness of referrals coming into social care and the thresholds, which are being applied). Continuing high referral rates are contributing to the number of referrals falling below initial assessment threshold.
- 53 *NPI 112 (LAA) - Under 18 conception rate (Percentage difference from 1998 baseline).* Although interim conception rates are showing the lowest recorded for 2 quarters (2008) since 2004, these figures need to be treated with caution as there are marked seasonal variances. It is therefore still suggested that the required reduction cannot be achieved by 2010 to hit the LAA target of a 50% reduction.

Culture

- 54 *LI 5: Adult physical activity (Local LAA):* Results are now available for the % of adults (16+) participating in at least 30 minutes moderate intensity physical activity (inc. sport) on 5 or more days each week. 56.8% of respondents to the February Talkabout Survey are achieving the required amount of moderate physical activity to maintain their level of health (this will set the baseline). It must be noted that whilst this indicator is linked to NI8 (% of adults participating in 30 mins of sport on 3 days per week), which performed at only 19.3%, it is not directly comparable. LI5 measures a significantly broader scope of physical activity including active travel, home and work based activity (e.g. gardening, housework or working as a postman), and wider active leisure choices (e.g. dancing or rambling). It also has an explicitly different criteria and method of data collection including activities done in 10 minute blocks as opposed to 30 minute blocks as required for NI8. Given this wider scope, it is not unexpected that the results are significantly higher than those reported for NI8. Also worthy of note from the same data is that 25.7% of York's adults are not active enough in any part of their daily lives and 42% significantly underestimated the amounts of activity they should be undertaking to maintain their levels of health.
- 55 The 'Just 30' physical activity campaign aims to improve on this result and will target some of the 14% who almost achieve the level, and is due to be launched in January 2010. The 'Just 30' will talk directly to York residents through a wide variety of traditional and online channels. It will raise awareness of the benefits of healthy lifestyles and ask them to get more active. Working with a range of partners across the city, Just 30 will be looking for WOW stakeholders to champion their own activities under the brand.

Economy

- 56 *NPI 45: Young offenders who are NEET.* The % of young offenders engaged in suitable education, employment or training aged 10-17 is currently performing at 64.5% between April and September 2009, which is well below the target of 72% and is bottom quartile performance. This indicator is split into 2 categories: pre- and post-statutory school (SSA) age provision. The provision for school age children is well above target at 79% (50/63) but the post-SSA group has suffered recently, achieving 53% (41/78). Recently the post-SSA group has not responded and is now mirroring NPI 117 (overall NEET group). The post-SSA group is the larger group and although

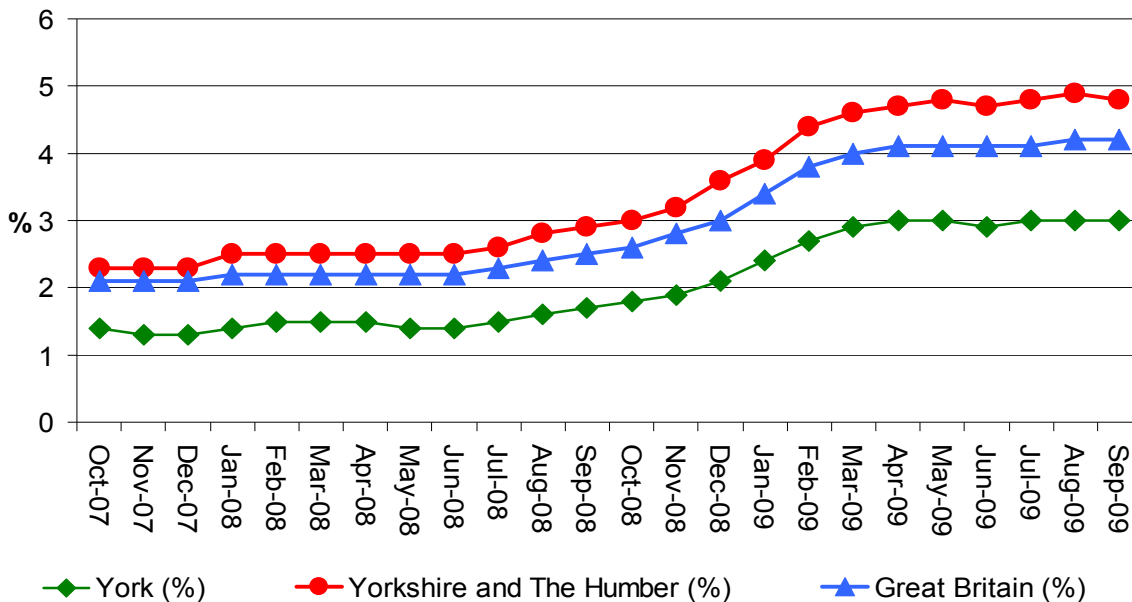
some targeted work is underway the YOT will press the issue through the NEET strategy arrangements, as this is a wider problem than YOT effectiveness.

- 57 *NPI 117: Overall NEET (LAA).* Whilst this quarter's performance on NEET is more in line with the profile for this time of year (5.2% in Q2 compared to 5.1% Q2 target), it is unlikely the 2009/10 target of 3.5% can be achieved in this current economic climate. It should be noted that York will still remain in the top quartile based on PwC benchmark data.

- 58 *NPI 181: Benefits processing.* The time taken to process Housing Benefit/Council Tax Benefit new claims and change events is currently forecast to be at the target level 15 days of the end of the year. Although this would stay stable since last year it represents good performance considering the increased number of people claiming benefit (see below). This would move York up from the third to second quartile based on PwC Benchmarking data.

- 59 *VJ15a&b: Unemployment.* York's unemployment rate (12 month rolling average) is currently 1.8% below the regional and 1.2% below the national average. Despite the economic climate, the gap has widened from the same period last year and current monthly figures show the gap to be even higher. The % of people claiming job seekers allowance continues the local overall trend showing the decrease in claimants in June was an anomaly, although numbers have remained stable since April. The graph below also shows that York is performing better than the Yorkshire and Humber Region and Great Britain. However the Yorkshire average did come down slightly in September.

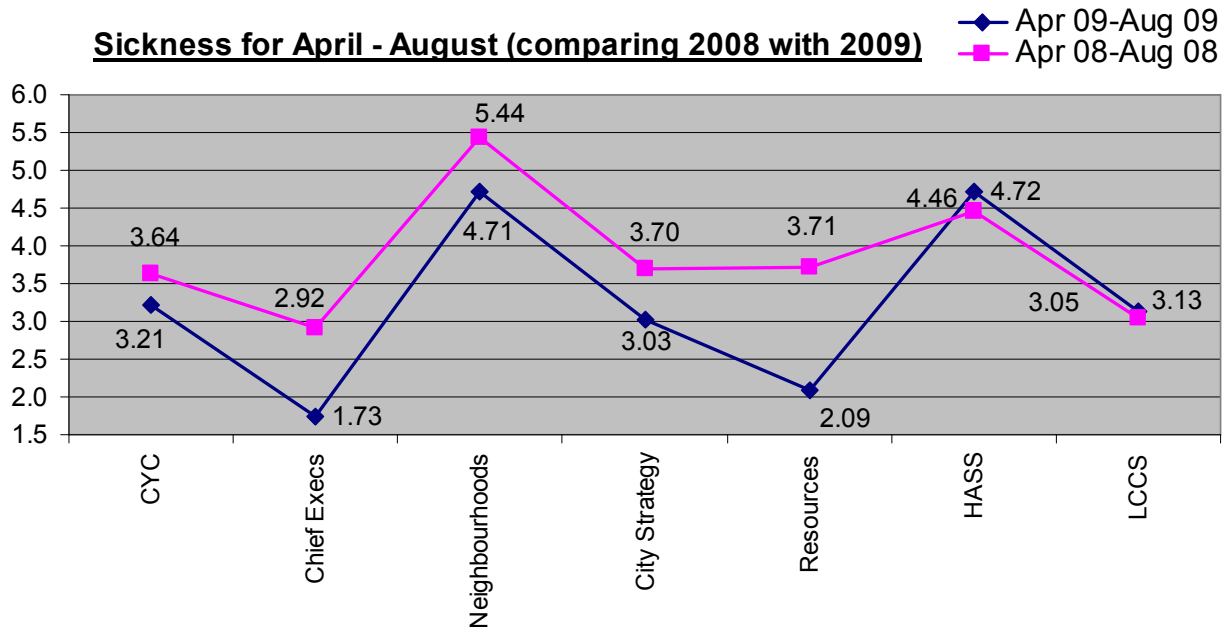
Claimant Count Oct 07 to Sept 09



Corporate Health

Corporate health performance area	Latest 2009/10 (Apr – Sep)	Improving since last year?
Average days sickness per FTE	3.21 days	Yes (3.64 for Apr-Aug last year)
H&S: Major injuries to employees	2	Yes (3 for Apr-Aug last year)
H&S: Minor injuries to employees	19	Yes (27 Apr-Aug last year)
H&S: Injuries to non-employees	10	Stable (10 Apr-Aug last year)
Phone calls answered within 20 secs	94%	Yes (91% last year)
Letters dealt with within 10 days	96%	Yes (94% last year)
Stage 2 complaints dealt with in 10 days	87%	No (100% last year)

- 60 Staff attendance levels continue to show good improvement with the average sickness days per FTE currently standing at 3.21 days compared to 3.64 days for the same period last year (see graph below).



- 61 After 5 months of reductions in sickness, levels in HASS and LCCS are reporting slightly higher sickness levels compared to last year, although these are still much lower than 2 years ago. Other directorates continue to report reductions in sickness, with the most significant being in Resources and Chief Executive's, which are both reporting over 40% reductions on the same period last year. If this reduced trend continues over the next 7 months, projected performance indicates the council could achieve 7.9 days per FTE, which would exceed the 2009/10 target of 8.6 days and place York high into the 2nd quartile based on PwC benchmark data. However, the predicted high levels of absenteeism due to flu over the winter months could undermine this forecast.
- 62 Health and Safety reported accidents continue to show encouraging results for the first 6 months of 2009/10, with a continued decline in 'major' and 'minor' incidents compared to the same period last year. The major incidents so far this year occurred in Neighbourhood Services and LCCS (1 each), and nearly all the public incidents occurred in schools. The predicted increase in H&S incidents (due to more robust

incident reporting arrangements being introduced) has failed to materialise over the first half of the year.

Update on risk management linked to performance

- 63 The acceptance of risk management as a fundamental element in the successful delivery of key projects and services has not only helped to support the organisation's performance but has also been recognised by the Audit Commission in the latest Use of Resources assessment. The importance of continuing to review the risks to the organisation is critical in delivering effective risk management. Council Leadership Group (CLG) recently reviewed the key corporate risks and while some risks were removed, six new risk focus areas have been added:
- 1) Equal Pay
 - 2) Fairness and Inclusion
 - 3) Capital Projects
 - 4) More for York
 - 5) Impact of an Aging Population
 - 6) Safeguarding.
- 64 The high/critical risks associated with the existing and new focus areas will be provided as part of future Finance and Performance monitors.

Progress on corporate strategy actions

- 65 The summary table below shows progress on the council's 54 milestone actions which support priority improvement for the 2009/12 corporate strategy. No further actions have been completed since the Q1 report, however, 39 (72%) are on track to hit their agreed deadline and 10 actions are reporting slippage (up from 6 last quarter). Half of those reporting slippage are forecasting to still deliver before March 2009/10 (i.e. within year 1 of the strategy).

	Milestone actions			
	Number	Completed	On track	Not on track
Thriving City	6	0 (0%)	4 (100%)	2 (0%)
Sustainable City	10	1 (10%)	7 (70%)	2 (20%)
City of Culture	5	1 (20%)	3 (60%)	1 (20%)
Healthy City	5	0 (0%)	3 (60%)	2 (40%)
Inclusive City	10	0 (0%)	9 (90%)	1 (10%)
Learning City	5	1 (20%)	3 (40%)	1 (40%)
Safer City	8	0 (0%)	7 (88%)	1 (12%)
Effective Organisation	5	3 (60%)	2 (40%)	0 (0%)
Total	54	6 (11%)	39 (72%)	10 (17%)

- 66 Status on 12 milestone actions was reported in detail for Quarter 1 and these have therefore been listed in the table overleaf for reference.

Theme	Milestone action	Current Status	Delivered by March 2010?
City of Culture	Carry out a market analysis and get a decision on interim use of the Barbican Auditorium by June 2009.	Complete	Yes
	Develop and hold a Young Peoples Festival by Dec 2009, involving 90% of cultural agencies.	Slippage	No
Healthy City	Launch a campaign by Sept 2009 to encourage an additional 1,600 adults to participate in regular weekly physical activities (5x30mins).	Slippage	Yes
Learning City	Completion of a pilot in 14 schools involving YorOK brokers which targets early intervention to those children identified as vulnerable by Mar 2010.	Complete	Yes
	Respond positively to the economic downturn by reducing the number of NEETS by targeted interventions with 16-18 year olds and the provision of wider range of qualifications for all by Mar 2010.	Slippage	No
Sustainable City	Complete the Groves recycling pilot by Sept 2009.	Complete	Yes
	Complete an easy@york review of waste, neighbourhood pride and street environment services by Summer 09.	Slippage	Yes
	Introduce new technological devices to improve the identification and removal of street litter by Sept 09.	Slippage	Yes
Safe City	Commission at least 50 restorative justice and young people's service interventions by March 2010 with children at risk of becoming first time offenders:	Slippage	No
Effective Organisation	Commit to the introduction of quality city-wide magazine	Complete	Yes
	Incorporate actions in response to 09 staff survey into the refreshed SIP	Complete	Yes
	Implement an Engagement Strategy to help communicate, consult and involve York residents about changes and improvements the council makes	Complete	Yes

67 The following 4 milestone actions are reporting slippage for the first time:

Inclusive City milestone

- *Assist 10 priority households through the Golden Triangle 'Homesave Plus' Mortgage Rescue Scheme by Mar 2010.* Take up to date has been slow with just one household assisted. Amendments have been made to the eligibility criteria, raising the maximum property value from £280k to £350k. A two-month advertising campaign in October/November on Minster FM is underway.

Thriving City milestone

- *Use the Eco Business Centre to support 20 enterprises through the newly established Enterprise Fund by Mar 2010.* Only 6 applications for the enterprise fund have been determined and so the prospect of meeting the target of '20' for the year is looking increasingly less likely. Discussions are in progress to determine initiatives to turn performance around.
- *Create a state of the art modern visitor information service for the city by summer 2009.* This has been slightly delayed, but will be delivered well before the end of the 2009/10.

Healthy City milestone

- *Complete a corporate review of the response needed to meet the needs and aspirations of the increasing population of older people by Mar 2010.* The start of this work has been delayed. Scoping work on the brief and process for undertaking the review is being completed and a report on this was submitted to CMT on the 21st October 2009.

Options

- 68 The Director of Resources has certain statutory powers to ensure the council's financial management is conducted properly. At present the current strategy is to seek for each Director to take appropriate corrective action in their own areas, with a view to minimising expenditure. Whilst significant progress has been made by directorates to contain and reduce expenditure, further action is still required both to balance the budget this year and to ensure a firm base for the future. It must be clearly stated that the council can only spend what it can afford, and whilst certain actions will have service implications, the consequences of a major overspending are very significant and therefore corrective action must be taken.

Analysis

- 69 All the analysis of service performance, progress on key actions and the financial position of the council is included in the body of the report.

Consultation

- 70 A number of performance and financial management meetings and forums have taken place at DMTs and CMT to review performance and delivery. These have helped to inform this report.

Corporate priorities

- 71 The information and issues included in this report is designed to demonstrate progress on achieving the priorities set out in the council's corporate strategy (2009-12). It also provides evidence of the co-operation between CMT and the Executive in working together to drive forward prioritised improvement and address performance, delivery or financial issues of corporate concern.

Implications

- 72 The implications are:
- Financial - the financial implications are dealt with in the body of the report.
 - Human Resources - there are no specific human resource implications to this report, but it does contain important information on staff management and welfare.
 - Equalities - there are no equality implications to this report.
 - Legal - there are no legal implications to this report.
 - Crime and Disorder - there are no specific crime and disorder implications to this report, but it does provide the Executive with crucial performance information to inform future resource allocation.
 - Information Technology - there are no information technology implications to this report.

- Property - there are no property implications to this report.
- Other - there are no other implications to this report.

Risk Management

- 73 The budget setting process always entails a degree of risk as managers attempt to assess known and uncertain future events. As with any budget the key to mitigating risk is prompt monitoring of income and expenditure and appropriate management control. As such, regular updated figures and revised corrective actions will be monitored via Directorate Management Teams, Corporate Management Team and the monitor reports during the year.

Recommendations

- 74 Members are asked to:

- a. Note the performance issues identified in this report.

Reason: So that corrective action on these performance issues can be taken by Members and directorates.

- b. Note the finance issues identified in this report, in particular:

- The significant pressures arising due to the economic recession and social care costs that are still evident across the council.
- The work already undertaken within directorates to contain financial pressures.
- That work continues to identify and implement options to meet the 1.5% savings targets required to contain spending within budget by the end of the financial year.
- The longer term need for growth in some budgets, which will require compensating efficiencies and service transformation across the council.

Reason: So that the council's expenditure can be contained within budget.

Authors:	Chief Officers Responsible for the report:		
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	Report Approved	Yes	Date 4/11/2009
Specialist Implications Officer(s) - None			
Wards Affected: <i>None</i>		All	
For further information please contact the author of the report			



Effective Organisation Overview & Scrutiny Committee

24 November 2009

Report of the Interim Head of Civic, Democratic & Legal Services

Scrutiny Review of the Effective Use of the Executive Forward Plan

Summary

1. This report presents Members with information on the legislative and constitutional requirements associated with an Executive Forward Plan. It highlights those requirements currently not being met and suggests some issues for further consideration as part of this review.

Background

2. For some time, scrutiny Members have been expressing concern about their current inability to carry out pre-decision scrutiny due to the limited amount of time available between items appearing on the Executive Forward Plan and the relevant decision making meeting taking place.
3. Part III, regulation 13 (2) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, states that a forward plan shall contain details of all the matters likely to be the subject of key decisions in the relevant authority for **a period of four months**; and the first such plan shall have effect from the first working day of any month.
4. It has become apparent that many items only appear on the Executive forward plan (FP) on average six weeks before the decision is required and that this is insufficient time to carry out any pre-decision scrutiny of the issues without requiring a deferral of the item to a later meeting.
5. With this in mind, this Committee agreed to look in detail at the current use of the Council's FP in order to identify any methods for improving its use and effectiveness, and to agree a robust method for identifying issues suitable for pre-decision scrutiny.

Consultation

6. In deciding to look in more detail at some of the issues raised within this report, Members may choose to consult with other Members, the Monitoring Officer, Directors, FP Contacts, Report Authors and the Democratic Services Manager.

Information Gathered

7. The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, sets out the legislative requirements pertaining to an Executive Forward Plan. This council has also set out in its Constitution its own requirements in relation to the Executive Forward Plan and a comparison of both of these has highlighted:
 - a) where our Constitution does not match the legislation
 - b) where our current working practices do not match either the legislation or the Council's constitutional requirements
8. In addition, a comparison has been made between a number of FPs produced using the same Committee Management System as is used here in York (Modgov), and this has revealed some differences in style and content.
9. These assessments have helped to identify some alternative methods of working which may address those legislative and constitutional requirements currently not being achieved, potentially improve the way information is currently being presented, and ensure the Executive Forward Plan is fit for purpose as a tool for identifying possible topics for pre-decision scrutiny.

Issues Identified

Publishing An Annual Statement of Intent

Legislation	Current Practice In York	Alternative Approach
Regulation 12 ¹ requires an annual statement to be published by the proper officer of the local authority, on a date at least 14 days, but not more than 21 days before the first forward plan of that year comes into effect, giving notice of when FPs will be published for the coming year, explaining what it is and how it can be obtained from the local authority.	City of York Council's Constitution states that the Head of Civic, Democratic & Legal Services will publish once a year a notice in at least one newspaper circulating in the area. This notice to give very specific information as detailed below in paragraph 9.	Not identified

Analysis

10. Many Councils nationally choose not to adhere to this regulation. York is one of these Councils even though its Constitution states that:

'The Head of Civic, Democratic & Legal Services will publish once a year a notice in at least one newspaper circulating in the area stating:

- *that key decisions are to be taken on behalf of the Council;*

¹ of the Local Authorities (Executive Arrangement) (Access to Information) (England) Regulations 2000

- *that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a twice monthly basis*
- *that the Plan will contain details of the key decisions to be made for the 12 month period following its publication*
- *that each Plan will be available for inspection at reasonable hours free of charge at the Council's offices*
- *that each Plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the Plan*
- *the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available*
- *that other documents may be submitted to decision takers*
- *the procedure for requesting details of documents (if any) as they become available; and*
- *the dates in each month in the following year on which each Forward Plan will be published and available to the public at the Council's offices'*

11. The Council therefore needs to carry out the annual publication of its statement of intent, to ensure its working practice is in line with legislation and the Council's Constitution.

Period Covered By Forward Plan

Legislation	Current Practice In York	Alternative Approach
Regulation 13 ¹ also states that each new forward plan should be produced at least 14 days prior to the first day upon which the forward plan will come into effect	City of York Council's Constitution states that the Forward Plan must be published at least 14 days before the start of the period covered, in line with the legislation. In practice this does not occur. Currently, a forward plan published on 14 th of the month, covers the 4 month period commencing on the 15 th of that month i.e. forward plan published on 14 th April 2009 is for 15 th April – 14 th August 2009	Revise the period covered by each publication of the forward plan to ensure it gives at least the 14 days notice required by legislation of the forthcoming Executive decisions required

Analysis

12. By changing the period covered by each publication, in line with the legislative requirement and the Council's Constitution, it should help to limit the number of deferred items and the number of times the application of special urgency procedures are required. Democratic Services could make this change to the Forward Plan without impacting on the work of the Council and therefore would be in a position to do so, the next time the Forward Plan is published.

12. The Council therefore needs to amend the period covered by the published plan, to ensure its working practice is in line with legislation and the Council's Constitution.

¹ of the Local Authorities (Executive Arrangement) (Access to Information) (England) Regulations 2000

13.

Frequency of Forward Plan Publication

Legislation	Current Practice In York	Alternative Approach
Regulation 13 ¹ requires that a forward plan shall be updated on a monthly basis, with any outstanding matters contained in the previous forward plan being included in the latest forward plan.	City of York Council's Constitution states that the Forward Plan will be published on the Council's website on or around the 14 th and 28 th of each month i.e. twice a month	Reduce the number of publications per month to one, in line with legislation – it has not been possible to identify any other Councils who publish more often than the legislative requirement

Analysis

14. The Council is fulfilling the legislative requirement but at the same time has double the work to do per month.
15. The decision to publish twice a month was taken following the local election in May 2007, following a change to the way in which political groups engaged with forthcoming Executive business prior to a decision being made. Group Leaders agreed that at fortnightly meetings, they would consider any new entries on the Forward Plan, together with the drafts of the reports due to appear on the next Executive agenda. These meetings were held fortnightly in part to coincide with the fortnightly cycle of Executive meetings. This created a problem in that at that time the Forward Plan was only published once a month (on 14th of the month) in line with the legislative requirement, often resulting in a delay in the Group Leaders seeing new entries. A decision was therefore taken to publish the plan fortnightly in order to provide a more up to date and current view of the new decisions required. The date of the relevant Group Leaders meeting was shown against each Forward Plan entry in order to keep the report writer informed.
16. Since the Group Leaders no longer meet fortnightly there is no longer an organisational requirement to have the Forward Plan published twice a month. That said, there are advantages to both fortnightly and monthly publication:
- Fortnightly
- New entries can be made closer to a required decision date enabling speedier decision making
 - Less business added under urgency provisions due to frequency of publication
- Monthly
- Less labour intensive than fortnightly publication i.e. better use of resources
 - More time for consultation on reports or for pre-decision scrutiny to take place before a decision is required
 - Less time consuming for members of the public, officers and Members to check the published forward plan once a month
 - Better supports the correct use of the Forward Plan in line with the regulations e.g. officers will be less inclined to add an item 4

¹ of the Local Authorities (Executive Arrangement) (Access to Information) (England) Regulations 2000

months in advance of the decision being required, if they can add it 2 weeks before and still get the decision made

17. The removal of 'Information Only' reports and quarterly finance & performance monitoring reports from Executive Member agenda has as expected, resulted in a 50% reduction to date, in the number of entries appearing on the Executive Forward Plan.
18. The question for this issue is - 'Is there still a need for fortnightly publication?'

Key Decisions

Legislation	Current Practice In York	Alternative Approach
Regulation 8 ¹ defines that only 'Key' decisions must be included in the Forward Plan. Regulation 13 ¹ states that a forward plan shall contain details of all the matters likely to be the subject of key decisions in the relevant authority for a period of four months	City of York Council's Constitution states that the Forward Plan is a list of decisions that the Executive and individual Executive Members are expected to take over the coming 4 month period – it does not differentiate between key and non-key decisions. The Council's definition of a key decision is shown in paragraph 19 below	Limit the forward plan to only key decisions - it has not been possible to identify any other Councils who include non-key decisions on their forward plan When the regulations were first introduced, it was recognised that not all key decisions needed to be, or indeed would be capable of being, identified four months in advance of the decision being taken. Guidance was provided on this by the then Secretary of State – see paragraph 20 below

19. The Council's definition of a key decision means a decision made in connection with the discharge of a function which is the responsibility of the Executive and which is likely to:
 - result in the Council incurring expenditure, or making savings, which are significant having regard to the Council's budget for the service or function to which the decision relates i.e.:
 - make a saving of more than 10% of the budget for a particular area - or be more than £500,000
 - require spending that is more than 10% of the budget for a particular area - or be more than £500,00
 - be significant in terms of its effects on communities
20. The guidelines produced by the Secretary of State on the introduction of the Local Authorities (Executive Arrangement) (Access to Information) (England) Regulations 2000 state:

'Some decisions (such as the adoption of certain plans or strategies in the policy framework) will be able to be identified that far in advance and therefore will be on

¹ of the Local Authorities (Executive Arrangement) (Access to Information) (England) Regulations 2000

the forward plan for some time, whereas others will not be known until a few weeks before the decision is due to be taken. The forward plan will therefore inevitably include more decisions which will be taken within, say, one month than it will decisions to be taken in, say, three or four months and can therefore be viewed as a planning tool for managing the work programme of the Executive.'

Analysis

21. A majority of items are added to the forward plan only 4/6 weeks in advance of the decision being taken, and most of these are 'non-key' decisions. The Council is exceeding its legislative requirement by including non-key decisions on its forward plan, which in turn creates a great deal more work than would otherwise be required.
22. This is one of the important issues to be addressed by this review, as late additions limit the time available for scrutiny members to identify possible topics for pre-decision scrutiny. It should be noted that if non-key decisions were removed from the Forward Plan, without an alternative way of keeping Members informed of those decisions required, the issue of identifying all forthcoming decisions and/or topics suitable for pre-decision scrutiny would be made much harder.
23. Although best practice suggests items should be added to the Forward Plan as far in advance as possible (as detailed in paragraph 20 above), feedback from Directorates is that they find it difficult to do so, because often for valid reasons unknown at the time of submission, officers need to change the focus of the decision required and/or the meeting date at which the item will be considered. In the past when this has occurred, Members have not been happy with items being deferred.
24. One suggested approach to addressing this to the satisfaction of both officers and Members, would be the provision of an environment in which officers work within guidelines on acceptable reasons for deferral, and where Members accept the necessity on occasion for deferral - this would require an important cultural change at the Council. The Committee Management System already provides a mechanism for recording reasons for deferral and enables those reasons to be visible online.
25. If this approach is not acceptable, the Committee may choose to identify an alternative method for addressing this issue. For example, the introduction of Directorate Business Plans - these could be populated with their planned work programming for the year. Again Members would need to recognise that these documents were subject to change and not hold officers to account about the slippage or movement of items. Out of these plans would fall items requiring decisions and these in turn would generate the population of the Executive Forward Plan.
26. The questions for this issue are, would Members be happy to:
 - a) limit the Forward Plan to Key decisions only?

- b) recommend the approach outlined in paragraph 24 above or prefer to investigate further an alternative method for addressing the issue of late submission of FP items

Style & Content of the Forward Plan

27. There are over a hundred Councils nationally using the same Committee Management System we have here in York. Each of them produces a Forward Plan and many will have chosen to adapt the style of their plan to best suit their individual needs. An example of the council’s current printed format for the FP is shown at Annex A, showing all of the information we currently expect to be included. As part of this review, Members may choose to look at examples of different formats used by other local authorities in order to decide whether our current format is fit for purpose or whether changes are required.

Legislation	Current Practice In York	Alternative Approach
Regulation 14 ¹ specifies what particular information each forward plan entry should contain – see paragraph 28 below.	City of York Council’s Constitution states what information should be included in each forward plan entry (detailed in paragraph 29 below) - this does not match exactly with the legislative requirements	The Council already has in place an alternative and more detailed approach to what information is included in each forward plan entry, which exceeds our constitutional requirements e.g. it captures information on wards affected. This supports Secretary of State guidance on identifying decisions of particular relevance to a particular locality within the authority.

28. In line with legislation, the information required for inclusion in a published forward plan is:
- a) the matter in respect of which the decision is to be made;
 - b) where the decision maker is an individual, his name & title if any, and where the decision maker is a decision making body, its name and a list of its members;
 - c) the date on which, or the period within which, the decision is to be made;
 - d) the identity of the principal groups or organisations whom the decision maker proposes to consult before making the decision;
 - e) the means by which any such consultation is proposed to be undertaken;
 - f) the steps that may be taken by any person who wishes to make representations to the local authority executive or to the decision maker about the matter in respect of which the decision is to be made, and the date by which those steps are to be taken; and
 - g) a list of the documents, submitted to the decision maker for consideration in relation to the matter in respect of which the decision is to be made.

¹ of the Local Authorities (Executive Arrangement) (Access to Information) (England) Regulations 2000

29. In line with the Council's Constitution (see page 65 of Part 5), the information required for inclusion in a published forward plan is:
- i) information on the type of decision to be taken e.g. Key Decision
 - ii) who will be taking the decision e.g. The Executive, Executive Member
 - iii) details of any consultation taking place and who to contact should you wish to comment
 - iv) the name of the lead officer responsible for the item and the report author
 - v) associated documents relating to individual items on the plan e.g. reports, annexes and background papers where applicable

Analysis

30. Neither the Council's constitutional requirement or the alternative more detailed approach currently in operation (see Annex A), match exactly with the legislative requirements i.e. :
- they do not require the members of a decision making body to be listed i.e. the names of the Executive Members
 - the steps that may be taken by any person who wishes to make representations, and the date by which those steps are to be taken
 - a list of the documents, submitted to the decision maker for consideration in relation to the matter in respect of which the decision is to be made
31. In addition, although the Council's Constitution states that details of any consultation taking place should be included (in line with the legislative requirement), in practice this does not happen in York. The Council's working practices therefore need revising to ensure this is done.
32. The questions for this issue are:
- a) Would Members like to examine examples of alternative formats for the printed Forward Plan, in order to establish whether changes are required to the format currently in use.
 - b) should the relevant scrutiny chair/committee be consulted in order to help in the identification of issues suitable for pre-decision scrutiny?

Corporate Strategy

33. This scrutiny review is in line with the Council's aim to improve the Council's organisational effectiveness i.e. 'we shall be a modern council with high standards in all we do, living up to our values and be a great place to work. As members of the public are entitled to participate in the Council's decision making process, it is important that the Council's Forward Plan is robust and fully informative.

Implications

34. **Legal** - The Council's Constitution will need to be updated to reflect any changes approved by the Executive as a result of this review.

35. There are no known Financial, HR, Equalities, Crime & Disorder, ITT, Property or Other implications associated with the recommendations in this report.

Risk Management

36. If the changes needed to ensure the Forward Plan is meeting the legislative and constitutional requirements are not made, there is a risk to the Council that the Forward plan will remain organisationally ineffective.

Recommendations

37. There are a number of issues with the current Forward Plan where the Council is not meeting the legislative and /or constitutional requirements. Some of these can be addressed easily as they only require a simple change in procedure. If Members are able to agree those changes at this stage in the scrutiny review, then the remainder of the review could focus on those issues that require not only a procedural change but also a cultural change in the way we work.
38. Members are therefore initially asked to support and endorse officers implementation of the following changes to the Council's current working practices to ensure they are in line with legislation
- i) to carry out the annual publication of its statement of intent
 - ii) to change the period covered by the FP to bring it in line with legislation as detailed in paragraphs 10-18
39. Members are also asked to agree whether fortnightly publication of the FP is still necessary?
40. Finally, Members are asked to agree to focussing their work for this review on:
- a) whether the Forward Plan should be limited to 'Key' decisions only
 - b) investigating methods for addressing the issue of late submission of FP items as per the examples outlined in paragraphs 24-25
 - c) considering alternative layouts for the printed plan in order to decide whether the Council's current FP format is fit for purpose

Contact Details

Author:

Melanie Carr
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Scrutiny Services
Tel No.01904 552063

Chief Officer Responsible for the report:

Alison Lowton
Interim Head of Civic, Democratic & Legal Services

Report Approved

Date

12 November 2009

Specialist Implications Officer(s)

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000

Annex A - Example of this Council's current printed format for a Forward Plan entry



FORWARD PLAN

29 October 2009 - 28 February 2010

Produced By:

**Democratic Services
City of York Council
Guildhall
York
YO1 9QN
Tel No. 01904 551088**

EXECUTIVE FORWARD PLAN

What is the Executive Forward Plan?

The Executive Forward Plan is a list of all non-key and key decisions the Authority intends to take during the next four month period. The Plan is updated fortnightly on or around the 14th and 28th of each month and is available to view on-line at www.york.gov.uk

What is a non-key decision?

For the purposes of the Plan, a non-key decision is defined as a 'decision of normal importance' which:

- the Executive can collectively take as set out in Part 3 of the council's constitution
- which any Executive Member can take individually in line with the Council's Scheme of Delegation

What is a key decision?

A key decision is defined as a decision which is likely:

- to result in the Council incurring expenditure, or making savings, which are significant having regard to the Council's budget for the service or function to which the decision relates i.e.:
 - make a saving of more than 10% of the budget for a particular area - or be more than £500,000
 - require spending that is more than 10% of the budget for a particular area - or be more than £500,00
- to be significant in terms of its effects on communities

In addition to elected Councillors, chief officers can also take key decisions in line with the Officers Delegation Scheme as set out in Schedule 3, Part 3 of the Council's Constitution

What information does the Forward Plan contain?

Each issue entered in the Forward Plan lists:

- The history of the issue in relation to the Forward Plan
- What background documents are available
- What consultation will be undertaken prior to a decision being made
- Who you can make representation to, and how
- The name and contact details of the chief officer responsible for the issue and the forthcoming report
- The date of the meeting at which a decision is due to be taken
- The implications and level of risk to the Council should the recommendations within the report be accepted
- The wards which will be affected by any decision taken

If I have a query about an entry on the Forward Plan, who do I contact ?

Wherever possible, full contact details are listed in the individual entries in the Forward Plan. If you are unsure how to make contact or have any general enquiries about the Forward Plan, please ring Democratic Services on Tel No. 01904 551088

EXECUTIVE FORWARD PLAN
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FORWARD PLAN ITEM**Meeting:** Executive Member for City Strategy**Meeting Date:** 03/11/09**Keyword:****Item Type:** Executive Member Decision - of 'Normal' importance**Title of Report:** Wigginton Road : Proposed Improvements for Cyclists**Description:** Purpose of report: Report highlights the strategic importance of Wigginton Road as a cycle route, and examines options for optimising the route alignment to make the route more attractive and cycle friendly.**Wards Affected:** Members are asked to: Consider the scheme proposals put forward and agree to carrying out a public consultation.
Clifton Ward;**Report Writer:** Jon Pickles **Deadline for Report:** 20/10/09**Lead Member:** Councillor Steve Galloway**Lead Director:** Director of City Strategy**Contact Details:** Jon Pickles, Highway Safety Engineer (Transport & Safety)

jonathan.pickles@york.gov.uk

Implications**Level of Risk:** 01-03 Acceptable **Reason Key:****Making Representations:** N/A**Process:** N/A**Consultees:** N/A**Background Documents:** Committee Report for Wigginton Road : Proposed Improvements for Cyclists**Call-In**

If this item is called-in either pre or post decision, it will be considered by Scrutiny Management Committee on: 09/11/09

Internal Clearance Process**Pre-Decision**

By Chief Officers at

on:

By Political Group Leaders on:

By Strategic Policy Panel (if required) on:

Post-Decision

By Strategic Policy Panel (if Required) on:

FORWARD PLAN ITEM**Meeting:** Executive Member for City Strategy**Meeting Date:** 03/11/09**Keyword:****Item Type:** Executive Member Decision - of 'Normal' importance**Title of Report:** Public Rights of Way - Petition requesting that public rights be restricted along the three snickets leading into The Reeves, Westfield using Gating Orders.**Description:** Purpose of report: The report is in response to the receipt of a petition raised by residents living in the vicinity in which they ask that public use of these snickets is restricted using gates in order to help reduce crime and anti-social behaviour in the area. The time-frame to authorise and complete straightforward Gating Orders is in the region of 12 months, subject to current workload and funding being secured.

Members are asked to: To determine whether or not to formally proceed with Gating Orders based on the legislative requirements.

Wards Affected: Westfield Ward;**Report Writer:** Emily Machin**Deadline for Report:** 20/10/09**Lead Member:** Councillor Steve Galloway**Lead Director:** Director of City Strategy**Contact Details:** Emily Machin

emily.machin@york.gov.uk

Implications**Level of Risk:** 01-03 Acceptable**Reason Key:****Making Representations:** N/A**Process:** N/A**Consultees:** N/A**Background Documents:** Committee Report for Public Rights of Way - Petition requesting that public rights be restricted along the three snickets leading into The Reeves, Westfield using Gating Orders.**Call-In**

If this item is called-in either pre or post decision, it will be considered by Scrutiny Management Committee on: 09/11/09

Internal Clearance ProcessPre-Decision

By Chief Officers at

on:

By Political Group Leaders on:

By Strategic Policy Panel (if required) on:

Post-Decision

By Strategic Policy Panel (if Required) on:

FORWARD PLAN ITEM**Meeting:** Executive Member for City Strategy**Meeting Date:** 03/11/09**Keyword:****Item Type:** Executive Member Decision - of 'Normal' importance**Title of Report:** Public Rights of Way - Petition requesting that public rights be restricted along the length of the snicket leading from Old Moor Lane to Moor Lane, Dringhouses using a Gating Order**Description:** Purpose of report: The report is in response to the receipt of a petition raised by residents living in the vicinity in which they ask that public use of this snicket is restricted using gates in order to help reduce perceived crime and anti-social behaviour in the area. The time-frame to authorise and complete straightforward Gating Orders is in the region of 12 months, subject to current workload and funding being secured.

Members are asked to: To determine whether or not to formally proceed with a Gating Order based on the legislative requirements.

Wards Affected: Dringhouses & Woodthorpe Ward;**Report Writer:** Emily Machin**Deadline for Report:** 20/10/09**Lead Member:** Councillor Steve Galloway**Lead Director:** Director of City Strategy**Contact Details:** Emily Machin

emily.machin@york.gov.uk

Implications**Level of Risk:** 01-03 Acceptable**Reason Key:****Making Representations:** N/A**Process:** N/A**Consultees:** N/A**Background Documents:** Committee Report for Public Rights of Way - Petition requesting that public rights be restricted along the length of the snicket leading from Old Moor Lane to Moor Lane, Dringhouses using a Gating Order**Call-In**

If this item is called-in either pre or post decision, it will be considered by Scrutiny Management Committee on: 09/11/09

Internal Clearance ProcessPre-Decision

By Chief Officers at

on:

By Political Group Leaders on:

By Strategic Policy Panel (if required) on:

Post-Decision

By Strategic Policy Panel (if Required) on:

FORWARD PLAN ITEM	
Meeting:	Executive
Meeting Date:	17/11/09
Keyword:	Education;
Item Type:	Executive Decision - of 'Normal' Importance
Title of Report:	Quality and Access for all young children - Early Years Capital Grant
Description:	<p>Purpose of report: Allocation of government funding for projects to improve quality and access relating to the delivery of Nursery Education Grant for 3 and 4 year olds. Three-year capital funding, available for minor and major works in voluntary, private, independent sectors and with childminders. The impact on children's care and learning will be monitored and the effects will start to become clear within six months of the award being granted.</p> <p>Members are asked to: To approve recommendations of the Places Sub-group, Capital Panel, a sub group of the Early Years and Extended Schools Partnership, the bids OVER £50,000 to receive funding. Bids UNDER £50,000 will be considered at the Decision Session- Executive Member on the 13th October 2009.</p>
Wards Affected:	All Wards;
Report Writer:	Rosemary Flanagan
Deadline for Report:	05/11/09
Lead Member:	Councillor Carol Runciman
Lead Director:	Director of Learning, Culture & Children's Services
Contact Details:	Rosemary Flanagan
	rosemary.flanagan@york.gov.uk
Implications	Financial
Level of Risk:	04-08 Regular monitoring required
Reason Key:	
Making Representations:	N/A
Process:	N/A
Consultees:	N/A
Background Documents:	Committee Report for Quality and Access for all young children - Early Years Capital Grant
Call-In	
	If this item is called-in either pre or post decision, it will be considered by Scrutiny Management Committee on: 23/11/09
<u>Internal Clearance Process</u>	
<u>Pre-Decision</u>	
By Chief Officers at	CMT
	on: 21/10/09

Call-In**Internal Clearance Process****Pre-Decision****By Chief Officers at** CMT

on: 21/10/09

By Political Group Leaders on:

By Strategic Policy Panel (if required) on:

Post-Decision

By Strategic Policy Panel (if Required) on:

FORWARD PLAN ITEM	
Meeting:	Executive
Meeting Date:	17/11/09
Item Type:	Executive Decision - of 'Normal' Importance
Title of Report:	Lord Mayoralty 2010/2011
Description:	Purpose of report: To consider which of the political groups should be invited to appoint the Lord Mayor for the municipal year 2010/2011. Members are asked to: Invite the political group with the largest cumulative total of points on Lord Mayors Day to nominate the Lord Mayor for the municipal year 2010/2011
Wards Affected:	All Wards;
Report Writer:	Anne Platt
Lead Member:	Leader
Lead Director:	Chief Executive
Contact Details:	Anne Platt anne.platt@york.gov.uk
Deadline for Report:	05/11/09
Implications	
Level of Risk:	01-03 Acceptable
Making Representations:	N/A
Process:	N/A
Consultees:	N/A
Background Documents:	Committee Report for Lord Mayoralty 2010/2011
Call-In	
If this item is called-in either pre or post decision, it will be considered by Scrutiny Management Committee on: 23/11/09	
<u>Internal Clearance Process</u>	
<u>Pre-Decision</u>	
<i>By Chief Officers at</i>	QCG (No meeting - Circulation Deadline only) on: 15/10/09
<i>By Political Group Leaders on:</i>	
<i>By Strategic Policy Panel (if required) on:</i>	
<u>Post-Decision</u>	
<i>By Strategic Policy Panel (if Required) on:</i>	

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