

**Notice of a public meeting of
Corporate and Scrutiny Management Committee (Calling In)**

- To:** Councillors Wiseman (Chair), Barnes, Horton, King, McIlveen, Potter, Runciman (Vice-Chair), Steward and Warters
- Date:** Monday, 15 October 2012
- Time:** 5.00 pm
- Venue:** Guildhall, York

AGENDA

1. Declarations of Interest

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

2. 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 **5:00 pm on Friday 12 October 2012**.

3. Minutes

(Pages 3 - 8)

To approve and sign the minutes of the meeting held on 13 August 2012.

4. Called-In Item: Winter Maintenance Arrangements for 2012/13 (Pages 9 - 22)

To consider the decision made by the Cabinet Member for Environmental Services at a decision session held in private on 25 September in relation to the above item, which has been called in by Councillors Aspden, Ayre and Reid in accordance with the Council's Constitution. A cover report is attached setting out the reasons for the call-in and the remit and powers of the Corporate Scrutiny Management Committee (Calling-In) in relation to the call-in procedure, together with the original report and the decision of the Cabinet Member.

5. Urgent Business

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

Democracy Officer:

Name : Jill Pickering

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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
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Contact details are set out above.

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Scrutiny Committees

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- 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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City of York Council

Committee Minutes

MEETING	CORPORATE AND SCRUTINY MANAGEMENT COMMITTEE (CALLING IN)
DATE	13 AUGUST 2012
PRESENT	COUNCILLORS WISEMAN (CHAIR), BARNES, BOYCE (SUB FOR CLLR HORTON), FRASER (SUB FOR CLLR POTTER), KING, MCILVEEN, RUNCIMAN (VICE-CHAIR), STEWARD AND WARTERS
IN ATTENDANCE	COUNCILLORS ALEXANDER, CUTHBERTSON AND JEFFRIES
APOLOGIES	COUNCILLORS HORTON AND POTTER

1. **DECLARATIONS OF INTEREST**

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

The following personal non-prejudicial interests were declared in relation to the called in item: Changes to the Eligibility Criteria for Adult Social Care:

- Cllr Fraser as a member of the retired sections of Unison and Unite (TGWU/ACTS) and as a CYC member of the York NHS Foundation Trust
- Cllr Wiseman as a public Governor of the York NHS Foundation Trust and member of the shadow Health and Wellbeing Board

2. **PUBLIC PARTICIPATION/OTHER SPEAKERS**

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

Councillor Alexander referred to the national crisis of increasing demand for care services whilst being in an age of austerity. Reference was made to modelling which showed future difficulties that would be experienced by other Local Authority's

that provided care services. It was also expected that by 2019/20 adult social care costs in York would increase by a third and for this to account for half of all the council spending when councils were receiving cuts in funding, with more expected.

In response to the growing demand Council had agreed to increase council tax for 2012/13 with a substantial proportion of this additional income going to adult care. The budget had also provided for disability facilities grants for independent living and for the provision of a community hub for those with learning difficulties. However, even with this increase in funding, the resources were insufficient to meet the rising demand and most number authority's in the Yorkshire area were targeting resources to those most in need.

Reference was made to the budget amendments made by the groups at Council which had not included details of how income could be increased or savings made to meet future costs in this area. Additional supporting information in respect of these comments was also circulated to members at the meeting.

Councillor Jeffries referred to her conflicting interest in this area both as a CYC member and as co-Chair of the Independent Living Network (ILN). She thanked the calling in members for raising these issues as she had also shared their concerns regarding the process followed in respect of these changes including the consultation undertaken. Although other authority's had amended their criteria for adult social care services they had undertaken face to face meetings/workshops and public meetings which had fed into the final decisions made. The work undertaken in York she felt had missed these opportunities to get the best outcomes and she went onto point out alternative savings that could have been made.

3. MINUTES

RESOLVED: That the minutes of the last meeting of the Corporate Scrutiny Management Committee (Calling In) meeting held on 23 April 2012 be approved and signed by the Chair as a correct record.

4. CALLED-IN ITEM: CHANGES TO ELIGIBILITY CRITERIA FOR ADULT SOCIAL CARE

Members received a report which asked them to consider a decision made by the Cabinet Member for Health, Housing and Adult Social Services at her meeting on 1 August 2012, in relation to changes to the eligibility criteria for adult social care. Further information on the options available, consultation undertaken and impact on service users which had led to the decision to change the eligibility criteria from Moderate, Substantial and Critical to Substantial and Critical were set out in the report.

Details of the Cabinet Member's decision were attached as Annex A to the report, with the original report to the Cabinet Member Decision Session attached as Annex B. The decision had been called in by Cllrs Aspden, Cuthbertson and Runciman on the following grounds:

The Liberal Democrat Group formally oppose the decision made by the Cabinet Member and believe that the eligibility criteria should remain unchanged at Moderate, Substantial and Critical. The Cabinet Member has failed to take into account any of the representations made by the Group, prior to taking her decision.

- *The consultation was misleading as it failed to tell residents that there are alternatives to withdrawing care provision from York residents. Therefore we believe the results should be treated with extreme caution.*
- *The consultation exercise was also poorly conducted and an investigation needs to be undertaken to determine why mistakes were made. As the report states, 200 residents were sent the wrong information and feedback from residents said the consultation was "confusing", "patronizing", contained "wrong" information, was "very poor", that "questions were impossible to answer", and complained questions were "ambiguous".*
- *The 31% response rate means that of residents sent consultation packs only 20% agreed with the change in eligibility levels, with 10% disagreeing and the overwhelming majority either not answering that*

specific question or not taking part in the consultation. In other words, only 1-in-5 people have actively supported these proposals and even these did so through a misleading consultation document. This means that the Council can not claim there is a proper mandate for the changes. For such a vital issue, we do not believe that this flawed consultation exercise is good enough or can form the basis for an informed decision.

- *A number of concerns raised by partners particularly the York Older People's Assembly:*
 - *Low level intervention at modest needs level can help sustain independence for longer and any short-term financial gains should be set against the costs of having more people fall into the 'substantial' and 'critical' needs bands because they lose this crucial support.*
 - *The ability of the voluntary sector in York to provide the level of personal support envisaged in this report. The report provides no detailed evidence from the voluntary sector on this point.*
- *The report states that the £150,000 cost of not introducing the changes can not be found elsewhere in the Council's Budget:*

"There is no indication at this stage of the year that other areas of the council budget are able to make additional savings to avoid the need for this proposal."

The Liberal Democrat Group believes that savings could be made elsewhere to protect social care. In our February Budget proposal, we outlined how reversing some of Labour's planned spending increases and making savings elsewhere could fund this area.

Members were asked to decide whether to confirm the decision (Option a) or to refer it back to the Cabinet for reconsideration (Option b).

Councillor Cuthbertson addressed the meeting on behalf of the Calling-In members, he reiterated the grounds for the call-in and, in particular, to the low consultation response rate which he

felt did not endorse the changes now being made. Reference was made to savings that could be made elsewhere to avoid the need to amend the criteria and to concerns raised by partners, particularly the Older People's Assembly, who had indicated that they were unaware of any voluntary sector providers able to provide personal care. The consultation it was felt had missed the opportunity to ask consultees where the money could best be used to provide for their requirements. The Committee were therefore asked to recommend reconsideration of the decision in light of these comments.

Officers responded to the points made, reiterating that there had been no flaw in the process/consultation in relation to this decision. It was confirmed that a technical error had been made which had affected letters sent out to a small group of people for which apologies had already been made and lessons learned for future consultation exercises. It was confirmed that face to face meetings with those affected had also taken place on the challenges faced by the authority and that there had been thorough consultation with a 31% response rate which had been considered good. Officers went on to detail the scale of the consultation undertaken and numbers of customers, at present, in each support category, confirming that partner feedback had been listened to. It was pointed out that this was an opportunity to deliver savings whilst engaging with the voluntary and community sector to provide services for less complex cases.

Members questioned Officers in relation to a number of points including, the development in the Telecare and reablement services, would there be any hardship cases following the change in criteria, the quality of the consultation questions and details of customer review arrangements.

Officers confirmed that individual reviews would be undertaken for the 184 customers and that no one had been disadvantaged by any incorrect recording of information. Those affected would have assistance in place to meet their needs by some other route, with no service being terminated until alternative arrangements had been agreed.

Following requests by members, receipt of legal advice and the agreement of the Chair, Councillors Alexander and Jeffries made closing statements prior to the vote taking place.

After a full debate, it was

RESOLVED: That Option (a) be approved and that the decision of the Cabinet Member for Health, Housing and Adult Social Services be confirmed.

REASON: In accordance with the requirements of the Council's Constitution.

Cllr S Wiseman, Chair

[The meeting started at 5.00 pm and finished at 6.45 pm].



**Corporate and Scrutiny Management Committee
(Calling – In)**

15 October 2012

Report of the Assistant Director, Governance and ICT

Called-in Item: Winter Maintenance Arrangements for 2012/13

Summary

1. This report sets out the reasons for the call-in of the decision made by the Cabinet Member for Environmental Services at a Decision Session held in private on 25 September 2012 in relation to the Winter Maintenance Arrangements for 2012/13. The report to the meeting informed the Cabinet Member of the work undertaken to review the Winter Maintenance policy in preparation for the next winter maintenance period from November 2012. The report also outlined the changes recommended to maintain a cost effective, efficient winter maintenance service and sought approval to this approach for amending the policy.

This cover report sets out the powers and role of the Corporate and Scrutiny Management Committee in relation to dealing with the call-in.

Background

2. The Decision Sheet issued after the Cabinet Member for Environmental Services Decision Session is attached as Annex A to this report. This sets out the decision taken by the Cabinet Member on the called-in item. The original report to the Decision Session on the called-in item is attached as Annex B to this report.
3. The Cabinet Member's decision has been called in by Cllrs Aspden, Ayre and Reid for review by the Corporate and Scrutiny Management Committee (CSMC) (Calling-In), in accordance with the constitutional requirements for call-in. The reasons given for the call-in are on the following grounds:

Councillors Aspden, Ayre and Reid would like to call this decision in for the following reasons:

- The plans would see overall salt bin provision in York fall from around 369 full bins to around 199. In a bad winter this cut will have a significant and detrimental impact.*
- The report states that a thorough review of salt bin locations will be undertaken for the winter of 2013/14. It therefore seems irrational to withdraw the bin provision before this review has taken place and without thoroughly consulting residents or local councillors. The mistakes made over the removal of 1-in-4 of York's dog and litter bins seem to be being repeated.*
- Residents will not know which salt bins are full and which salt bins are empty until they need to use them.*
- Leaving the bins out empty is likely to lead to a further deterioration in their condition and make it harder to bring them back into use next winter. Already, due to Labour's decision to leave out the bins over the summer, a number of bins are in a poor condition with some having been vandalised. Leaving 170 out empty and unused will not help this.*
- No information on the locations of the salt bins was provided in the report – are the remaining (full) bins evenly distributed?*
- We disagree that "there is no longer finance available to maintain 170 salt bins". The finance has been withdrawn and we believe the relatively small sum of money involved could be found from elsewhere in the council budget. We are happy to provide further information on this point.*
- The future of the Snow Wardens scheme is unclear from this report. We would seek some clarification on this before the report is approved.*

Consultation

4. In accordance with the requirements of the Constitution, the calling-in Members have been invited to attend and/or speak at the Call-In meeting, as appropriate.

Options

5. The following options are available to CSMC (Calling-In) Members in relation to dealing with this call-in, in accordance with the constitutional and legal requirements under the Local Government Act 2000:
 - a. To decide that there are no grounds to make specific recommendations to the Cabinet Member in respect of the report. If this option is chosen, the original decisions taken on the item by the Cabinet Member at his Decision Session held on 25 September 2012 will be confirmed and will take effect from the date of the CSMC (Calling-In) meeting; or
 - b. To make specific recommendations to the Cabinet Member on the report, in light of the reasons given for the call-in. If this option is chosen, the matter will be reconsidered by the Cabinet at a meeting of Cabinet (Calling-In) to be held on 16 October 2012.

Analysis

6. Members need to consider the reasons for call-in and the report to the Cabinet Member and form a view on whether there is a basis to make specific recommendations to the Cabinet Member in respect of the report.

Council Plan

7. There are no direct implications for this call-in in relation to the delivery of the Council Plan and its priorities for 2011-15.

Implications

8. There are no known Financial, HR, Legal, Property, Equalities, or Crime and Disorder implications in relation to the following in terms of dealing with the specific matter before Members; namely, to determine and handle the call-in.

Risk Management

9. There are no risk management implications associated with the call in of this matter.

Recommendations:

10. Members are asked to consider the call-in and reasons for it and decide whether they wish to confirm the decision made by the Cabinet Member or refer the matter back for reconsideration and make specific recommendations on the report to the Cabinet.

Reason: To enable the called-in matter to be dealt with efficiently and in accordance with the requirements of the Council's Constitution.

Contact details:

Author:

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Democratic Services
Manager
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Chief Officer Responsible for the report:

Andrew Docherty
Assistant Director, Governance and ICT

**Report
Approved**



Date 5.10.12

Specialist Implications Officer(s) None

Wards Affected:

All



For further information please contact the author of the report


Annexes

Annex A – Decision Sheet of the Cabinet Member on the called-item.
Annex B – Report to the Cabinet Member Decision Session on 25
September 2012

Background Papers

None

CABINET MEMBER DECISION

DATE OF DECISION 25 September 2012	DECISION MAKER Cabinet Member for Environment (Councillor David Levene)
DECISION MADE Cabinet Member approved the review of the winter maintenance arrangements for 2012/13 as set out in the report.	
REASONS FOR THE DECISION The changes recommended are to maintain a cost effective, efficient winter maintenance service.	
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED Option 1 – Implement the changes as set out in the report. Option 2 – Amend the changes. Option 3 – Do not implement the changes. Options 2 & 3 were rejected.	
CONFLICTS OF INTEREST DECLARED AND ANY DISPENSATION None.	
SIGNATURE  DATE 25 September 2012	

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Cabinet Member for Environment**25th September 2012**

Report of the Assistant Director – Highways, Waste and Fleet

Review of Winter Maintenance Policy**Summary**

1. This report informs the Cabinet member of the work undertaken to review the Winter Maintenance policy in preparation for the next winter maintenance period from November 2012. The report outlines the changes recommended to maintain a cost effective, efficient winter maintenance service and seeks approval to this approach for amending the policy. These amendments were piloted and reviewed during the winter season 2011/12, with a view to making them permanent policy for 2012/13.

Background

2. Last winter the City of York experienced a nearer to average winter with February bringing the only serious snowfall of the season. From the period 1st November to 31st March, we undertook:
 - 60 grit runs on the primary network over the full winter period this compares to 60-70 runs in previous average winters
 - Secondary routes were treated on two occasions
 - Designated footways received seven treatments
 - 2800 tonnes of salt was used, 2500-3000 tonnes would be our usage in “normal winters”
3. The main areas of concern were:
 - The condition of footpaths
 - The condition of off road cycle ways
 - Salt bin usage

Resources used in 2011/12 and proposed for 12/13

4. Resources used in the 2011/12 trials (the four mini tractors) proved extremely successful and have now been incorporated in the winter maintenance fleet. The mechanical kit for winter maintenance now consists of:
 - Ten gritting vehicles
 - One trailer gritter
 - Two snow ploughs attachments purchased for Grounds Maintenance tractors
 - One Euromech machine for cycle tracks and footpaths
 - Four footpath snow blowers
 - Three large tow behind salt spreaders
 - Three small tow behind salt spreaders
 - Four mini tractors with mechanical snow brushes and rear salting attachment, for footpaths and cycle tracks.

Carriageway Salting

5. The existing primary routes maximises the use of our resources and have been tested over the years, therefore there are no proposals to amend salting arrangements.
6. Designated secondary routes were identified and included in the operation manual for 11/12. Treatment of these secondary routes will be at the discretion of the Winter Maintenance Group (WVG), and will be serviced in a systematic way giving due consideration to resources both financial and practical. At this stage, it should be considered that all other roads will not be treated during the initial period of heavy snow.
7. Savings were approved through the budget setting process regarding some small-scale alterations to gritting rounds (£10k saving). With regard to these, there are 10 existing gritting routes and these have been subject to route optimisation. It is proposed to reduce these to 9 rounds but extend the length of these rounds to deliver the same coverage as in 2011. It is estimated that this will save £10k in an “average” winter, through a reduction in vehicle and staff costs. A more fundamental review of the winter maintenance

policy will be undertaken including the criteria for gritting roads. This will be subject to public consultation if this proposes any significant changes to gritting policy. Any changes arising from this review will be implemented from Winter 2013.

Routine Footpath Treatments

8. Footpaths will be treated on the first day of a predicated period of three or more consecutive days where the temperature at midday is forecast remain below freezing. The need for repeat treatment will be assessed on a daily basis by officers with knowledge of the weather forecast, resources and salt availability.
9. The treatments will be undertaken using the 4 mini tractor units, supplemented by minimum manual spinners. The usual starting time is 04:30 hrs. Estimated treatment time for completion of all designated priority footpaths is 2 hours.

Heavy Snow Footpath Treatments

10. It is envisaged that during periods of heavy snow the WMG will meet and decisions regarding treatments will be taken by the group.
11. Treatments will be undertaken using the 4 mini tractors and the Euromech with snow brush attachments and rear salt spreaders. An initial clearing pass with the units will leave a usable surface with further passes as resources are available.

Routine Off-Road Cycle Track Treatments

12. We will use the same trigger as the footpaths to determine treatments. The 4 mini tractors and the Euromech machine will be utilised to undertake the work, as the footpaths will be completed by 06:30-07:00 hrs. All off road cycle tracks will be treated by 12:00 hrs.

Heavy Snow Cycle Track Treatments

13. Treatments will be undertaken using the 4 mini tractors and the Euromech with snow brush attachments and rear salt spreaders. An initial clearing pass with the units will leave a usable surface with further passes as resources are available.
14. It is not possible to use metal snow ploughs on some off road cycle routes, due the raised centre cyclist pedestrian demarcation line. It should be noted that during periods of prolonged heavy snow it will

not be possible to maintain a constant “back to tarmac” running surface. During these periods cyclist will need to use the treated carriageway network.

Salt Bins

15. There are currently 199 salt bins maintained and filled through highways budgets, 170 salt bins filled previously with funding provided via ward committees, and a small number of other bins funded through housing services, residents associations and parking services. Last year, in order to implement the approved 2011/12 budget saving of £17k, all the salt bins being left insitu and not collected at the end of March 2012 as in previous years.
16. Following the reduction in ward budgets, there is no longer finance available to maintain 170 salt bins that were previously funded from the ward budgets. Parish Councils have been contacted to see if they would be in a position to take on the funding of any ward bins that they have in their Parish. The general opinion is that there would be an element of double taxation and a drain on already tight parish finances.
17. In order to achieve the approved budget saving, it is proposed to only fill the 199 highways salt bins for the current year. It is proposed that all salt bins however will remain in situ so that a thorough review of salt bin locations (highways and previously ward funded, some 369 in total) can be undertaken with appropriate criteria set to determine the best locations for salt bins to be placed in the future. This will need to be based on still achieving the approved budget saving. Consultation will take place on the most appropriate locations with local elected members and the public. Any changes to locations will be implemented from the winter season 2013/14 onwards.
18. Clearly, expenditure on winter maintenance will depend on the extent of extreme weather conditions and all expenditure will be kept under close review, with the use of contingency if required in exceptional weather conditions.

Snow wardens

19. We currently have in excess of 80 volunteers for Snow Warden (SW). The winter of 11/12 was not as severe as 10/11 and 09/10. The SWs carried out their tasks during the snow of February 2012. Each SW was contacted and materials delivered to agreed locations

prior to the winter period, SWs were resupplied on request. It is proposed to arrange a de-brief with the SWs to look at and discuss practical and operational issues. This will be arranged through the Neighbourhood Management team.

Salt Deliveries

20. It is proposed to continue with the electronic stock control system linked to our suppliers, this ensures continuation of supply based on weekly usage, and ensures adequate stocks over the Christmas break. Work is underway with procurement to look at the most effective ways of procuring salt in order to deliver the approved budget saving for this.

Consultation

21. Snow Wardens and Parish Councils

Options

22. The Cabinet are asked to note the proposals for salt bins as set out above; that there are no proposed changes to coverage of gritting routes although rounds will be reduced from 10 to 9; and that the equipment trialled in winter 11/12 has been added into the winter maintenance fleet.
23. All equipment, supplies and timings must respond to the weather conditions facing the City at any one time. This report builds on the lessons learnt from previous years and looks to deliver some certainty to the residents of York so they fully understand the likely road conditions in extreme weather.
24. A more fundamental review of gritting policy will be undertaken with a view to implementing any changes for the winter season 2013/14 onwards, following consultation.

Implications

25. It is important that the service is capable of achieving the service targets set out in this report.
 - a) **Financial:** Cabinet are asked to note the proposals regarding salt bin provision and filling in order to deliver the approved budget saving. Any alternative arrangement for salt bins would create a budget pressure on the winter maintenance budget which is not approved. Additional

savings were approved through the budget setting process regarding the effective procurement of salt (£30k saving) and small alterations to gritting rounds (£10k saving). With regard to salt procurement, officers are working with the procurement team to ensure the cost effective purchase of salt. The achievement of the savings target will be supplemented through staffing changes by taking away a specific responsibility for a Winter Maintenance Duty Officer, with this duty being undertaken by the existing winter maintenance supervisors, together with additional savings on materials and equipment. Ultimately this will depend on the levels of salt required to be purchased depending on winter weather conditions. With regard to alterations to gritting rounds, these have been subject to route optimisation, and therefore it is not proposed to amend gritting routes.

- b) **Human Resources (HR):** Whilst the previous two winters have tested our resources, it was not declared as an emergency, so all working time directives and terms and conditions were applied.
- c) **Equalities:** A great deal of consultation was carried out on last year programme. These proposals are looking to enhance the service previously experienced. It should be noted that a reduction in salt bin numbers will affect our elderly, less mobile and vulnerable residents and visitors.
- d) **Legal:** No implications
- e) **Crime and Disorder:** No implications.
- f) **Information Technology (IT):** A vehicle tracking system will continue to be used to ensure the correct routes are treated and spread rates are maintained.
- g) **Property:** No implications.
- h) **Other:** No implications.

Recommendations

26. The Cabinet Member is asked to approve the review of winter maintenance arrangements for 2012/13 as set out in the above report.

Contact Details

Author:	Chief Officer Responsible for the report:			
Martin Horner Head of Civil Engineering City and Environmental Services Tel No. 553128	Roger Ranson Assistant Director (Highways, Fleet and Waste)			
	Report Approved	<i>tick</i>	Date	<i>Insert Date</i>
Specialist Implications Officer(s) <i>List information for all</i> <i>Financial Implications</i> <i>Name Patrick Looker</i> <i>Title Finance Manager</i>				
Wards Affected: <i>List wards or tick box to indicate all</i>				All
For further information please contact the author of the report				

Background Papers:

none

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