

# Deputy Leader Report on Civic, Democracy, Electoral & Legal Services– May 2014

## Civic

**Mansion House Heritage Lottery Fund** - The Council named De Matos Ryan as the architects for the next stage of the restoration programme of the Mansion House, funded by the Heritage Lottery Fund. The architects are leading a team of professionals including conservation, mechanical and electrical engineering specialists along with exhibition and interpretation designers.

The four main areas of the 'Opening Doors' project involve restoring the 18th century kitchens; improving displays, conservation and access to the civic collection of gold and silver ware; developing an integrated environmental and conservation plan for the structure; and preparing an oral history project, involving people past and present with a connection to the building.

In restoring the kitchen, the aim is to create a fully working, 18th century and a modern kitchen allowing the house to continue hosting culinary events and functions, as well as to illustrate three centuries of eating in the house.

Other aims include improved interpretation, education, conservation and access to the gold and silver collections incorporating displays about the people behind the objects; the York silversmiths who made them and their donors and patrons.

The integrated environmental and conservation plan will cover the contents and structural requirements of the building, including installing an effective conservation heating system to minimise long-term damage to the contents and fabric of the building and reduce its carbon foot print.

As part of the bid indepth consultation has taken place with groups across the City. An Open weekend took place over the 7<sup>th</sup> and 8<sup>th</sup> June when residents were able to see the proposed works to the house.

**Mansion House** - The last year has been one of considerable success for the Mansion House with key achievements including:

- Increased visitor numbers in the 2013 season allowing visitors to engage with the history and culture of the most important secular building in the city (*see Table 1*)

- Aero girls, being the first ever curated exhibition held in the House. It had over 1000 visitors in a week.
- The first ever use of the Mansion House for theatre productions, *Blood and Chocolate* and *Importance of Being Earnest*. This has expanded the cultural appeal of the building with sensitive and appropriate uses.
- A concise Protocol '*Civic Use of the Apartments and of the Mansion House*' has been drafted – this greatly updated on a previous version. This will ensure that all parties have clear guidelines on what to expect out of the House and how the House works in relation to the Mayoralty.
- Increased use of the Mansion House (tours, talks, wedding, dinners etc)
- In partnership with the Centre of Life Long Learning (University of York), the Mansion House developed the first civic history course which ran successfully for 10 weeks. We will be running this again in September.
- The Mansion House has exceeded its income target and excess income has been reserved for reinvestment in the House.

However the Mansion House is experiencing, like all areas of the Council Challenges including:

- A decrease in the Civic budget, but, with the same high expectations. Officers will be looking at other avenues of funding such as appropriate sponsorship and streamline working practices
- If the HLF Stage 2 bid is successful the challenge will be the planning to start the work bearing in mind the need of the Lord Mayors for the House. Provisionally if all goes well the House would close in the autumn of 2015 with works taking up to a year.

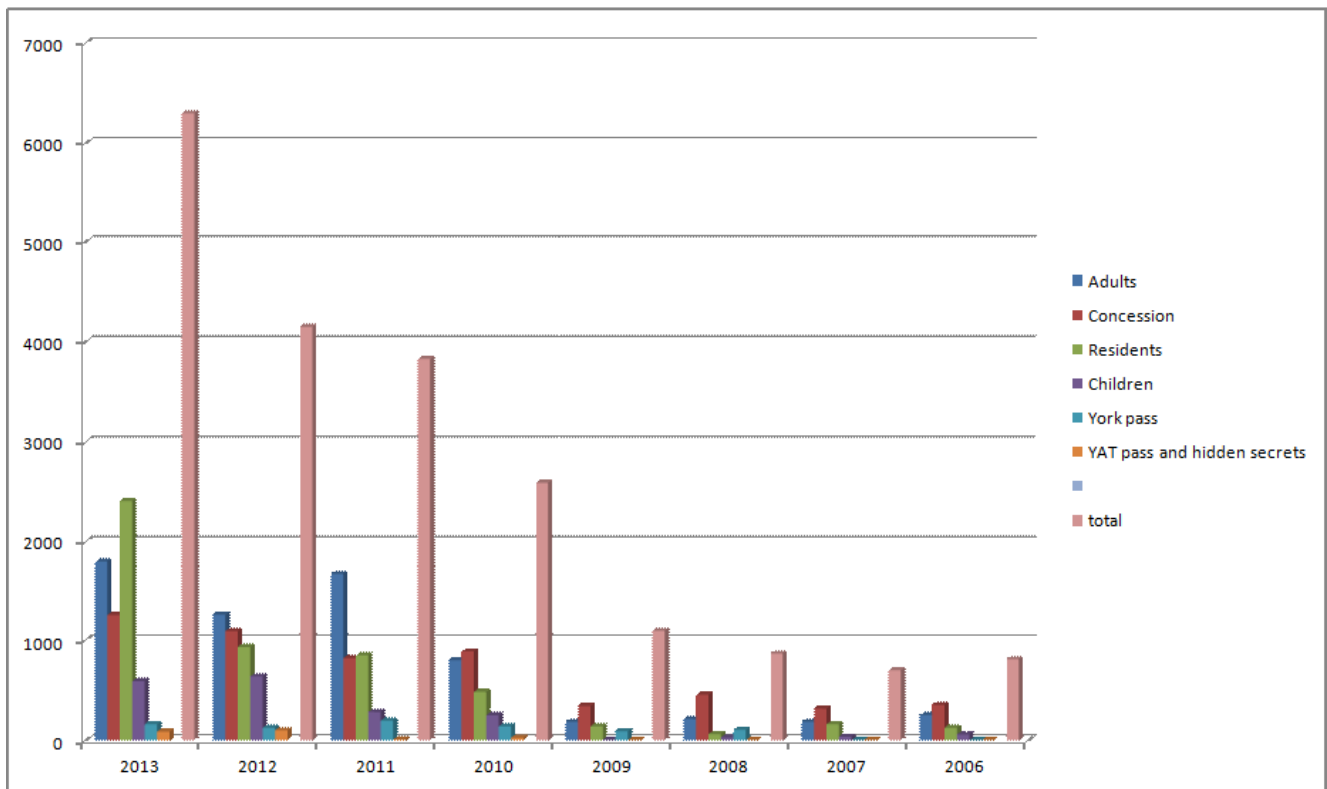


Table 1: Mansion House Visitor Numbers

### **Guildhall** - Significant issues to report from the previous year include:

- Income targets met and exceeded for this financial year for the Guildhall.
- Work will start in the next few months on the gate to the Guildhall yard allowing it to be shut for the security and safety of the Mansion House and Guildhall but also to stop the yard being used inappropriately
- Use of the council chamber as a theatrical performance area for the Agatha Christie play *'Witness for the Prosecution'*. Not only was this a first for the Chamber but for the production being performed in a site-specific location. York Company Theatre Mill applied to Christie's estate to stage the production and they happily approved the request. The production achieved considerable acclaim and shows the potential that the Guildhall and Council Chamber has. I look forward to many more such productions coming forward. I know the Mansion House team is always looking for new ways to promote and use the buildings and this is an excellent outcome of that work.

### **Democracy Service**

The plan to finally bring the Council Chamber into the 21<sup>st</sup> Century has been completed. Installation of the new voting system in the historic and listed chamber proved a challenge but work was carried out successfully without jeopardising the nature of the chamber itself. The work also included the

renewal of the Hearing Loop which, like the audio system, was at the end of its life.

Other work through out the year has included:

- Managing the transition of public meetings to West Offices
- Improving transparency by working with colleagues in Policy and ICT to secure webcasting/recording of most meetings
- Improving transparency by putting Member expenses online on a monthly basis
- As part of the Member Training programme delivering a university accredited training programme for Members – the first in the Country (so far as we are aware)
- Making real headway into putting in place a modern, understandable Constitution
- Supporting York's first cross cutting scrutiny involving each Committee in looking at the night time economy
- Supporting a programme of quality scrutiny reviews (7 have been reported to Cabinet last year.)
- Delivered a successful series of events in Local Democracy week

Next year will bring many challenges including:

- Promoting local democracy in the run up to May 2015
- Planning to meet the training and other needs of new Members in 2015
- Supporting scrutiny to continue to develop and help the Council deliver for the people of York.

**Constitution** - Our Constitution follows a model first developed in 2000. Regular amendments have been made to reflect changes in practice and the law but the document has never been comprehensively revised and is now showing its age. I felt that document should be revised to be clearer and easier for the public to access and for Councillors to refer to with regard to the law and our agreed procedures.

I requested that a full review and rewrite to the Constitution took place using best practice for its template. The timing was fortunate as best practice models were being drawn up on behalf of the organisation which represents lawyers in local government.

The work is still underway. A very easy to read summary of the Constitution has now been approved by Council and other proposed changes will come forward over the next few months. It is hoped that the Constitution will be complete by the autumn.

## Electoral Services

**European Parliamentary Election** - Since summer 2013 the Electoral Services Team has been undertaking preparation for the European Parliamentary Election that was held on 22 May 2014.

The fact that the *Annual Canvass for the Register of Electors* was carried out later than usual presented an added challenge but our small team put in extra effort and time in to ensuring all arrangements would be in place for both the Election Day and the count.

The authority area has 91 polling stations, on polling day I visited 19 of them to look at the conditions for both the electorate and Polling Station staff. I plan to meet with Electoral Service officers when a review of the polling stations takes place as some do need to be reviewed before next years elections.

The Electorate for the European Election was 153,470, turnout 47,435 (30.91%)

**Local Government Boundary Commission for England – Further Electoral Review** – As Members, will be aware, a further electoral review – and public consultation - was instigated by the *Local Government Boundary Commission for England* (LGBCE) to consider the number of elected members and the number of current wards, in January 2014.

The extra consultation period ended on 31st March and the LGBCE is due to consider any additional submissions around the 10<sup>th</sup> June - they will issue their final and full recommendations in early July 2014. An 'Order' will then be laid in both Houses around October 2014, with the recommendations enacted for the Register of Electors published on 1st December 2014 so that changes to Ward structure will be in force for elections on 7th May 2015.

Changes in Ward structure will result in additional work for the Electoral Services Team both in regard to election preparation and for preparing the new Register of Electors. There will also be a need to consider the impact of the changes on Parish Councils.

**Postal Voter signature refresh** - The Regulations for Postal Voting require *Returning Officers* to check signatures and dates of birth on returned postal vote statements. The Regulations also require the Electoral Registration Officer to collect a new signature every five years from electors. That requirement has now taken effect and this means that **all** electors who have had postal vote arrangements in place for five years had to be contacted immediately before the start of the Annual Canvass. This did cause some confusion and duplication of work. The electors, who submitted a new

signature, have ensured they will have a postal vote arrangement in place for the next five years whilst those who did have, had a new application form sent to allow them to arrange a new postal vote in the future. Collecting fresh signatures will now be part of the team's regular workload with notices requiring new signatures to be supplied being sent out each January.

**Individual Electoral Registration (IER)** – Individual electoral registration will fully replace the current system of household registration after the General election. However, we will enter a transitional phase from June.

We are well prepared for the changes since the Electoral Services Manager has been engaged for the last year by the Cabinet Office as a County Lead for York & North Yorkshire, working closely with the Cabinet Office's Regional Delivery Manager for Yorkshire and the Humber Region and with the eight local authorities. The role requires the Electoral Services Manager working four hours each week to assist in the transition from the household canvass to Individual Electoral Registration in 2014/15. This role has both assisted York preparations and provided a useful springboard for building links with other similar local authorities undertaking the role to share experiences and plans for the Canvass in 2014.

The new system of registration will mean that electors will be registered individually and they will have to provide identification in order to verify their application; this will be their date of birth and National Insurance number.

For the forthcoming year transitional arrangements have been made to allow data matching against the records held by the Department for Work and Pensions to automatically confirm electors on the register. A data matching trial conducted last year showed around 70% match of electors. Electors who pass the actual data match will be automatically transferred to the new Register of Electors. Those who do not match will need to provide additional identification to remain registered to vote after the transitional period. However, to prevent difficulties at next year's General Election any elector who responded to the 2013 canvass will remain on the register which will be used for those elections so long as we do not have reason to believe that they are no longer eligible to vote at that address.

The new system is more complex than the old and will have higher costs. It is well known that there are concerns that it could lead to lower levels of registration.

The Government has committed to meet all the cost of the Transitional Canvass in 2014 which will be substantially higher than for a traditional canvass. The Cabinet Office has also agreed to meet the cost of the equivalent of half of a full time member of staff to work for one year during the

transitional phase. This is less than the Council would have liked but will help to maximise registration. A number of systems are in place or have been agreed which will help with this. For example:

- CYC are working with the Student Union to increase registration among those students in private accommodation.
- CYC Housing new tenant Welcome Packs will contain registration forms
- The York Landlords Association have said that they will ask their members to put information about registering to vote in Welcome Packs
- Officers have weekly lists of changes to Council Tax accounts, so they are aware of new residents - this allows registration forms to be sent and reviews to remove electors who are no longer resident. This is something required under IER when introduced.
- Officers are writing to all empty properties on the register to check that they are empty, or if they are second/holiday homes or the residents are not eligible to register to vote.
- In Mid April 2014 Officers contacted those properties that did not respond during the last canvass to check that the electors are still resident and if not ask the new residents to register to vote.

**Annual Canvass** – the legal timetable for undertaking the canvass last year was put back by two months which has impacted greatly on the preparations for the European Parliamentary Election.

The aim of a later date for the publishing the Register of Electors was to ensure the most accurate register was available for the European Parliamentary Election and for the introduction of Individual Electoral Registration in June 2014. Unfortunately the later timing of the Annual Canvass over the winter months did impact on the level of response, with 88% of properties replying, compared to 90% the previous year.

## **Legal**

Often it is not recognised the important work that the Councils small Legal team undertake particularly with supporting the Council's major projects and helping protect vulnerable people. The teams within Legal are:

Children & Adults Social Services  
Housing & Litigation  
Property, Planning, Licensing and Highways  
Commercial, employment and education

The Children & Adults Social Services team are responsible for:

- The preparation and presentation of children's cases before the

- Courts, instructing Counsel where necessary
- Manage cases in the pre-proceedings phase (Public Law Outline)
- Advising the Adoption Panel
- Advising on Adult Social cases particularly safeguarding, mental capacity and mental health matters
- Applications to the Court of Protection
- Giving advice on powers & duties of social care e.g. who is responsible authority, charging powers, closure of facilities, payments of allowances to carers
- Handling social care Judicial reviews

The Housing & Litigation team undertake a variety of work including:

- Rent and nuisance possession actions
- Gas servicing cases – securing rights of access
- Community safety issues including injunctions, committal orders, closure orders for premises, ASBO's and dispersal orders
- Homelessness and general housing law advice
- Some of the Council's prosecutions including benefit fraud, trading standards, food hygiene, environmental-crime, school attendance and planning contraventions
- General civil litigation

The Property, Planning, Licensing and Highways lawyers are responsible for:

- Planning and licensing committees advice
- Drafting enforcement notices and planning and highways agreements
- Appearing or instructing Counsel to appear at inquires
- Advising on highway matters
- Undertaking the Council's conveyance work from large commercial transactions to right to buy sales
- Advising on and preparing leases, licenses and other property matters.

The Commercial, employment and education lawyers:

- Legal advice for schools
- Advise on education law
- Advise on employment law including disciplinary and discrimination cases
- Represent Council at Employment Tribunals or instruct Counsel where appropriate
- Provide advice on complex data protection and FOI queries
- Advise on major procurements and other similar projects.
- Draft or approve complex contracts



As with other departments in the Council Legal has been investigating, and acting upon, better ways of working and obtaining better value for money. The City of York Council is working with West Yorkshire Councils to support this aim. Successes of this partnership include most specialist training being provided free of charge and substantial reductions in the costs of external legal advice as a result of our combined purchasing power.

There has been considerable concern nationally in the past as to the time taken to conclude child care cases. A new 26 week rule has been introduced in relation to those cases. Due to the complexities of many cases this may at times cause issues but at the moment the Council's legal service is working well within these arrangements.

Cases relating to Adult Social Care are rising. These cases are very sensitive and very complex with new law emerging on a case by case basis. One of our recent and uniquely complex cases relating to an individual's mental capacity resulted in a hearing in the Court of Appeal which attracted much attention in legal and social work circles nationally and set a new legal precedent. There have also been a rise in Safeguarding referrals, however we should recognise that an increase in Safeguarding reporting – which is a positive factor as people feel they can come forward – is a positive sign that residents feel that their concerns are listened to.

The legal team have a particular expertise in housing and anti social behaviour matters and this is a service which the team provides not only to the Council but also Housing Associations including Tees Valley, Yorkshire and Places for People. The new anti social behaviour hub may well see an increase in the demand for this service.

The commercial team was only established within the last four years and has proved its worth by the fact that the Council has consistently had far lower bills for external legal advice over this period as compared with previous years. The in house team supports the delivery of many of the Council's major projects including the recent establishment of the libraries and social care social enterprises and the replacement of the Elderly Persons Homes.

Challenges for the Legal team in coming years will be ones of capacity as workloads increase as a result of the changes to service delivery, the rise of residents reporting concerns and an increase in planning applications as the 'market' recovers.