

NORTH YORKSHIRE COUNTY COUNCIL

CORPORATE AND PARTNERSHIP OVERVIEW AND SCRUTINY COMMITTEE

Minutes of the meeting held at County Hall, Northallerton commencing at 10.30 am on 14 November 2011.

PRESENT:

County Councillor Liz Casling in the Chair.

County Councillors Val Arnold, Karl Arthur, Bernard Bateman, David Jeffels, John McCartney, Stephen Shaw, Brian Simpson, Peter Sowray (substitute for David Ireton) and Geoff Webber.

In attendance:

Executive Member County Councillor Carl Les.

Officers:

Ruth Andrews (Section Leader, Fraud & Special Investigations), Neil Irving (Assistant Director, Policy & Partnerships), Tom Jenkinson (Corporate Development Officer), John Moore (Corporate Director Finance & Central Services), Rob Polkinghorne (Organisational Change Programme Director), Derek Harry Smith (Section Leader, Consumer Services), Jonathan Spencer (Corporate Development Officer).

Apologies for absence were received from County Councillors Philip Barrett and Neville Huxtable.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

55. MINUTES

RESOLVED –

That the Minutes of the meeting held on 12 September 2011, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

56. PUBLIC QUESTIONS OR STATEMENTS

There were no public questions or statements to be put to the Committee.

57. EXECUTIVE MEMBERS UPDATE

CONSIDERED –

The oral report of Executive Member, County Councillor Carl Les to highlight some of the recent issues considered by the Executive since the last meeting of this committee and to identify some of the key issues and priorities for the coming months.

Recent significant issues were reported by Councillor Les as being:

- One Council

- Council Plan 2012/15

Councillor Les went on to explain that an update report on the One Council change programme would be presented to the Executive on 29th November. He said that the success of One Council would depend in large part upon the extent to which everyone believed in the programme and felt part of it.

He noted that the format of the 2012/15 Council Plan would be revised with the focus being upon informing the public about how services would be managed and taken forward within the new funding constraints.

The Chairman asked when it was planned to incorporate a revised set of performance indicators into the Council Plan. Councillor Les said that these were being developed and that whilst less monitoring had been anticipated under the coalition government, it seemed that there would still be a number of performance indicators issued by government departments. He said that he was looking at new ways to involve Scrutiny Chairs in performance monitoring. Although it was important to do performance monitoring in a structured way the current format was at risk of becoming stale.

In response to a question Councillor Les provided feedback on the discussions that had taken place at the Executive regarding the Corporate and Partnerships Overview and Scrutiny Committee's 'Building the Big Society locally' report.

A Member said that he was disappointed that the recommendation in the Big Society report to approve a small grants fund was unlikely to be taken forward, and that the County Council was proposing to charge community groups in Category 3 libraries to undertake CRB checks for volunteers. Councillor Les explained that there were no resources at present to introduce such a fund in light of the present levels of austerity that the County Council was facing. The Area Committees' grants fund was a turn-off/turn-on funding stream that could be reinstated in the future, however, and there were also other sources of external funding that community groups could apply for. He said that the point about charging for CRB checks was well-made and it was an unintended consequence of the budget savings to be made from the re-organisation of the library service. The Chairman noted that the Executive had welcomed the recommendation in the Building the Big Society report that the County Council should have a role in signposting community groups to relevant sources of help and assistance.

RESOLVED –

That the Executive Member's report be noted.

58. PROPOSED CHANGES TO NO COLD CALLING ZONES PROTOCOLS AND ENFORCEMENT

CONSIDERED –

The report of the Corporate Director – Business and Environmental Services.

Derek Smith introduced the report. He explained that the No Cold Calling Zone (NCCZ) initiative commenced in November 2005 as a pilot project to test ways of protecting vulnerable residents from doorstep crime. The initiative had proved to be both effective and popular with residents, with the result that there were now 400 NCCZs in the County.

The existing NCCZ initiative relied on 'people power' and the zones had no legal status, which had been seen as a weakness. A change in the law in 2008 provided an opportunity to refine the initiative by minor alterations to signage. This provided legal sanctions against those cold callers who ignored the requests of residents to refrain from doorstep selling.

The popularity of No Cold Calling Zones had led to a backlog of requests with demand exceeding staff capacity. Derek Smith referred to the proposed prioritisation criteria set out in Appendix B of the report and sought the Committee's endorsement thereof. He said that the criteria were designed to ensure that those communities with greatest need would be placed at the front of the queue. Moreover urgent action would be taken in those instances where a request for a NCCZ had been made as a result of a vulnerable resident having been victimised by cold callers.

Derek Smith also sought the Committee's endorsement of the proposed re-wording of the NCCZ signage. He explained that the rewording was necessary in order to enable criminal sanctions to be made against cold callers who ignored the wishes of residents within a NCCZ. From the outset of the NCCZ initiative in North Yorkshire it had been a prerequisite for 100% of residents living in an area to be covered by a zone to be in agreement with its creation. In the six years since the initiative started 10 proposed zones had not been created due to objections from a resident in each instance. Earlier this year a request from Potto Parish Council for a NCCZ to cover the village was unable to be fulfilled following an objection by a local resident. Subsequently Potto Parish Council had asked the County Council to reconsider its 100% policy as it felt the "hurdle rate of 100% to be undemocratic and unrealistic in establishing zones". This request highlighted the fact that the 100% requirement was a criterion set by officers, which had not been considered or agreed by Elected Members. He went on to invite the Committee to endorse the 100% agreement requirement as County Council policy.

Members made the following comments:

- In areas where an NCCZ had been proposed but there had not been 100% agreement amongst residents for a zone, was it possible to distribute stickers to those residents who were in favour of a NCCZ to display in their own homes? Derek Smith confirmed that this was the case. The wording on the new stickers focused on the wishes of individual consumers rather than the community as a whole. The key difference to a NCCZ was that the Council was not able to provide the requisite signage to go on lampposts.
- Parish councils and County Councillors should be informed about the opportunity for residents to be provided with stickers outside of NCCZs. Ruth Andrews (Section Leader, Fraud & Special Investigations) confirmed that there would be a media launch to coincide with the rollout of the new signs and parish councillors and County Councillors would be informed. Ruth Andrews went on to note that the new signs would be paid for from money recovered from the proceeds of crime.
- Did the presence of an NCCZ affect political canvassing? Derek Smith confirmed that political canvassing was not affected in a NCCZ because the no cold calling ban only related to buying and selling.
- Had any analysis been undertaken into the reasons why a resident had objected to the implementation of a NCCZ in their area? Derek Smith said that this had been undertaken. The results of this exercise had shown that the reasons why people objected to having a NCCZ ranged from people objecting to a perceived infringement of individual freedoms - the 'nanny

state' – to others objecting to what they saw as unfair constraints being placed on trade.

- The 100% criteria was too high a threshold and should be reduced. Rarely was it the case that only one person had the veto to block an initiative from being introduced.

MOTION

County Councillor Bernard Bateman moved and County Councillor Peter Sowray seconded the following motion:

“That the Corporate and Partnerships Overview and Scrutiny Committee recommends to the Executive Member for BES a policy requiring 75% of residents within a proposed NCCZ to agree to its implementation.”

County Councillor Geoff Webber moved and County Councillor Brian Simpson seconded the following amendment to the motion:

“That the Corporate and Partnerships Overview and Scrutiny Committee recommends to the Executive Member for BES a policy requiring 50% of residents within a proposed NCCZ to agree to its implementation.”

The amendment was lost and the motion was approved.

RESOLVED –

- a) That the Corporate and Partnerships Overview and Scrutiny Committee recommends to the Executive Member for BES a policy requiring 75% of residents within a proposed NCCZ to agree to its implementation.
- b) That the prioritisation criteria as submitted in Appendix B of the report be recommended for approval by the Executive Member for BES.
- c) That the proposed re-wording of the NCCZ signage be recommended to the Executive Member for BES for approval.

59. REVIEW OF EQUALITY IMPACT ASSESSMENT PROCESS: INTRODUCTION

CONSIDERED –

The report of the Assistant Director, Policy and Partnerships.

Neil Irving noted that further to the Committee's agreement to undertake a review of Equality Impact Assessments (EIAs), Group Spokespersons, at the Mid Cycle briefing meeting in October, had agreed that the review should look at the EIA process relating to the Reablement Service, Reduction in Bus Subsidy, the introduction of Residential disabled parking bays policy, Adoption Procedures: prospective adopter policies, and Credit Control. He noted that the EIA templates relating to these services had been included as background papers to the report. Group Spokespersons had also agreed that in the future the Committee should look at the EIA process for service changes to be made to Transforming Learning Disability Services and Home to School Transport.

Neil Irving went on to detail the relevant legislation and the role of Equality Impact Assessments in meeting the Council's obligations under this legislation. He noted

that local authorities were witnessing an increasing willingness by members of the general public or representative groups to have recourse to legal challenge regarding budget cuts. One of the areas of challenge was around whether decision makers had met their obligations under Equalities legislation when making decisions. He went on to detail the three stages to conducting an Equality Assessment.

Neil Irving proposed that the next steps would be to ask those officers involved in conducting work around the EIAs selected above to provide information about whether actions identified in action plans had been carried out, what reviewing processes were in place and whether or how officers 'reality check' the impacts identified prior to a change to a service or policy being made with the actual impact. Officers would be available to attend the Committee for reporting purposes.

Members made the following comments:

- The quality and consistency of the five sample EIAs included in the report varied. The EIA template completed for Adoption Procedures: Prospective Adopter Policies contained a paucity of information in relation to the 'operating context' section. It also contained no information in relation to what the mechanisms were for the ongoing monitoring of progress on the policy. The EIA template completed for Credit Control had not provided in-depth analysis about the potential effects of debt recovery on certain protected groups, notably older and disabled people.

The Chairman asked the Committee whether it agreed with the approach set out in the report. She went on to add that the review came at an important time in light of recent High Court rulings.

RESOLVED –

- a) That the Committee adopts the approach set out in the report.
- b) That officers involved in conducting the work around the EIAs selected above be invited to attend the Committee's meeting on 19 March 2012, with a follow-up meeting to be arranged thereafter.

60. COUNCIL PLAN

CONSIDERED –

The report of the Assistant Chief Executive – Policy, Performance and Partnerships to explain the proposed revised structure and content of the Council Plan for 2012/15 and to seek the Committee's contribution to the direction of travel.

Neil Irving referred to the Committee's decision taken in June for the 2011/14 Council Plan to be brought to the November meeting to look at the achievements of the past year and to make suggestions for future improvements. He went on to outline the proposed revised structure and content of the Council Plan for 2012/15 and to seek the Committee's contribution to the direction of travel.

Neil Irving said that the document was aimed at three key audiences: the public, Members and staff. Production of the Council Plan would be included in a review of the performance management framework and on publication of the Plan it would be accompanied by an internal note from the Chief Executive articulating the staff focus in relation to performance management, One Council and other efficiencies. Executive Members were working with their respective Corporate Directors to

produce up to three priorities for their service directorate. The intention was that the priorities would be new and specific rather than 'business as usual'.

Members made the following comments:

- The potential to make use of social media in communicating with the public in relation to the Council Plan and more generally.
- The need for the Council Plan to be written in Plain English.
- The Chairman asked if a section would be included in the new Council Plan looking back at the achievements of the past year or 'how did we do' section. Neil Irving said that the foreword would give a brief overview of past achievements.
- In response to a question Neil Irving confirmed that the draft version of the 2012/15 Council Plan would be unlikely to be ready for discussion at the Committee's Mid Cycle briefing meeting on 12th December. This was due to the timing of the budget setting process. The finalised version was scheduled to go to Full Council in February, which meant that January would provide the Committee with a better window of opportunity to comment on the draft plan.
- In response to a question Neil Irving confirmed that the Council Plan would only be available on-line unless a specific request was made for the document to be provided in an alternative format. This had also been the case with the 2011-14 Council Plan.

RESOLVED –

- a) That the proposed structure and content of the Council Plan 2012-15 and the process for ensuring its delivery be noted.
- b) That the Corporate and Partnership Overview and Scrutiny Committee holds an additional meeting in January to allow Members to have sight of, and discuss, the draft version of the 2012/15 Council Plan.

61. CORPORATE RISK REGISTER

CONSIDERED –

The report of the Corporate Director – Finance and Central Services.

John Moore introduced the report, noting that its purpose was to enable the Committee to consider the updated Corporate Risk Register and determine if it wished to pass any observations to the Audit Committee on the Risk Register process and/or the Executive regarding the specific risks contained in the updated Corporate Risk Register (CRR).

He explained that the CRR was a compilation of risks that existed at the authority wide level. He went on to explain that each risk was ranked based on existing risk controls in place; the probability of the risk occurring; the impact of the risk occurring; and further risk controls. The CRR had recently been reviewed by Management Board and the latest version was attached to the report, comprising seven risks considered to be critical to the overall performance of the County Council.

Members made the following comments:

- The Chairman asked for the reason why the 'Partnerships' risk, which had been identified as a medium risk in the 2010 CRR, had not been included in the 2011 CRR. John Moore noted that partnership working was still seen as one of the Council's key objectives. However risk controls had been put in place to ensure that existing partnership arrangements were reviewed to reduce the likelihood of ineffective outcomes and/or missed opportunities to enhance service delivery and community benefits.

RESOLVED –

That the report be noted.

62. ONE COUNCIL UPDATE

CONSIDERED –

The oral report of the Organisational Change Programme Director.

Rob Polkinghorne provided an update on the implementation of the One Council Change Programme and a summary of the update report to be presented to the Executive on 29th November 2011.

The Chairman noted that the Task Group's second workshop would be held on 16th November at 10am and asked all Members of the Task Group to attend. The notes of the Task Group's first workshop had been circulated to all Committee Members.

RESOLVED –

That the report be noted.

63. WORK PROGRAMME

CONSIDERED –

The report of the Corporate Development Officer to invite the Committee to consider the work programme.

Jonathan Spencer referred to the recent Royal Assent of the Police and Social Responsibility Act 2011. He noted that the role of the Corporate and Partnerships Overview and Scrutiny Committee, as the Council's designated Crime and Disorder Committee, would remain unchanged and so would not have a formal role in the new policing structural arrangements. However there might be opportunities for informal working with the Police and Crime Panel, especially via the County Council Member(s) sitting on the panel. Group Spokespersons would be looking at this in greater detail at future Mid Cycle briefing meetings.

Members made the following comments:

- The Chairman noted that Julie Blaisdale, (Assistant Director – Library and Community Services) would be attending the next Mid Cycle briefing meeting to discuss incorporating libraries into the work programme.

- In respect of community broadband it was noted that although parish councils were aware of the funding available for community broadband they often did not know who the Community Internet Providers were or the fact that the procurement process could take several months. It was noted that Ian Marr from 'Connecting North Yorkshire' would be attending the Committee's meeting in March.

RESOLVED –

That the future work programme be noted.

The meeting concluded at 12.20 pm

JS/ALJ