

SCRUTINY BOARD (ENVIRONMENT AND NEIGHBOURHOODS)

MONDAY, 14TH FEBRUARY, 2011

PRESENT: Councillor B Anderson in the Chair

Councillors G Driver, P Ewens,
R Grahame, G Hyde, M Iqbal, J Marjoram,
L Mulherin and P Wadsworth

89 Late Items/Supplementary Information

In accordance with his powers under Section 100B(4)(b) of the Local Government Act 1972, the Chair agreed to accept the following as supplementary information in respect of items already on the agenda:-

- Agenda item 9 – Dog Control Orders
 - Email from Darren and Helen Midgley dated 3rd February 2011.
 - Email from Pam Costello, Secretary of Otley DTS Kennel Club, registered dog club, dated 10th February 2011.
 - Professional dog walkers Code of Conduct applicable to Harrogate Borough Council area, supplied by Richie Womersley, The Dog Walker Yorkshire Ltd.
 - Briefing note on dog behaviour and psychology supplied by Charlotte Hanson, professional dog walker.
 - E-petition on the subject, but bearing no signatures.

None of the documents had been available at the time of agenda despatch.

90 Declarations of Interest

The following personal declarations of interest were made:-

- Agenda Item 8 (Minute No. 94 refers) – Request for Scrutiny – Refuse Collection Route Rationalisation Programme – Councillor R Grahame, in his capacity as a member of the GMBATU Trade Union.
- Agenda Item 11 (Minute No. 97 refers) – Budget Analysis for Housing Revenue Account and General Fund – Period 9 2010/11 – Councillors G Driver, R Grahame, G Hyde and P Wadsworth in their capacity as ALMO Directors, and also Councillor G Driver in his capacity as a Deputy Executive Member.

91 Minutes - 17th January 2011

Minutes approved as a correct record
at the meeting held on Monday, 14th March, 2011

RESOLVED – That the minutes of the meeting held on 17th January 2011 be confirmed as a correct record.

92 Matters Arising from the Minutes

Development of a Rent to Mortgage Model (Minute No. 86 refers)

The Director of Environment and Neighbourhoods undertook to liaise outside the meeting with Councillor P Ewens regarding a specific case she raised.

93 Request for Scrutiny - Decision to enter into an agreement with Curb Clean Media to place Clean Media Advertisements in the City Centre

The Board received and considered a request for scrutiny from Councillor J Monaghan in respect of the above officer delegated decision.

In attendance at the meeting, and responding to Members' queries and comments, were:-

- Councillor J Monaghan – Headingley Ward.
- Chris Gomersall – Head of Property Services, City Development.
- Ann Briggs – Advertising Initiative Manager, City Development.
- Graham Wilson – Head of Environmental Action and Parking, Environment and Neighbourhoods.

In brief summary, the main points of discussion were:-

- The officer delegated decision related to an agreement entered into with Curb Clean Media company for a 12 month controlled trial period to allow the company to place 'clean media' advertisements in the city centre. These advertisements comprised basically of stencilled advertisements on paving slabs in a designated area of the city centre. This relatively new form of media advertising was not controlled by planning legislation or regulation, but as it was on the local authority controlled public highway, Highways Act rules applied, which placed a responsibility on the local authority to manage and maintain the highway.
- Curb Clean Media were one of the first national operators in this field, and had agreed to work exclusively with Leeds City Council for this 12 month controlled trial period to explore the use of this new form of advertising. The agreement gave Curb the exclusive right to place the advertisements in selected locations in Leeds City Centre. These would all be clearly marked as Curb advertisements. The Council approved, in advance, the subject and the wording of the advertisements, and this formed part of the wider advertising code

operating in Leeds. All advertisements were designed to show Leeds or the city centre in a positive light – for instance, the International Film Festival – and the Council had the power of veto over any proposed advertisements – two had already been refused. In return, the Council had control over the advertising, should receive approximately £20,000 in advertising revenue and Curb had also agreed to try to identify the source of any unauthorised advertising and assist the Council Enforcement Team in its removal. The agreement could be terminated by either side during this 12 month trial period.

- Workshops had been held in March 2010 to explore the proposal, and these had been followed later by Ward Member consultation and consultation with the City Centre Plans Panel. A list of Council Members and officers consulted as part of the process was circulated. The final decision had been taken via an officer delegated decision, as the matter related to the awarding of a contract, which fell within the remit of the officer delegated authority scheme.
- Councillor Monaghan expressed surprise at the decision, as he and Ward colleagues, in conjunction with the Council's Environmental Action Service, had been fighting this type of illegal and unauthorised advertising in Headingley Ward for a number of years. It was often used to advertise club or drink promotions which, in turn, could lead to anti-social behaviour. In his view, this form of advertising was illegal, was an environmental crime akin to graffiti, and had the same effect in terms of bringing an area down. He was therefore extremely surprised that someone thought it appropriate for the city centre, and questioned whether, in principle, the Council should, in effect, be condoning the practice in return for a share of the advertising revenue.
- In response to Members' questions, Graham Wilson indicated that he had been unaware of the agreement until November 2010, although it appeared that some Streetscene staff had been present at earlier consultation meetings. His service had been battling graffiti for years and he was concerned regarding the precedent this agreement represented.
- Board Members expressed a number of concerns and reservations regarding the issue. In summary, there was a lack of wider Member consultation, the fact that officers had regarded it as appropriate to utilise delegated powers in relation to such a sensitive issue, whether this agreement had, perhaps, created a precedent which might have unfortunate knock-on effects, control over, and lack of Member input in respect of, the nature and subjects of any proposed advertisements, and the prompt removal of any advertisements, especially, when, say, an event had passed. Some Members agreed with Councillor Monaghan's view that the decision was wrong in principle, and it was suggested that the contract should be terminated, or at least suspended, pending further consideration by the Board.

Councillor Driver, in his capacity as Chair of the Corporate Governance and Audit Committee, indicated that the matter raised some issues regarding the appropriate use of the officer delegated powers, and he felt that perhaps this was an area which the Committee might wish to explore.

RESOLVED –

- a) That the request for Scrutiny be approved, and the Board receive a more detailed joint officer report, to include Legal Services input, at the next meeting, setting out the views of all the relevant Council Departments regarding all the issues involved.
- b) That, in the meantime, the City Development officers seek legal advice regarding the suggestion that the current agreement with Curb Clean Media should be suspended pending the outcome of the Board's deliberations.

(NB: Councillor M Iqbal joined the meeting at 10.40 am, during the consideration of this item.)

94 Request for Scrutiny - Refuse Collection Route Rationalisation Programme

The Board received and considered a request for Scrutiny from Councillor A Lamb in respect of a review of the introduction of the revised refuse collection routes across the City.

In attendance at the meeting and responding to Members' queries and comments, were:-

- Councillor A Lamb – Wetherby Ward.
- Neil Evans - Director of Environment and Neighbourhoods

In brief summary, the main points of discussion were:-

- Councillor Lamb explained that he was not seeking a 'witch-hunt' or a political points scoring exercise. It was clear that this major change had not gone well, with problems being experienced across the City. In the current economic climate, when the Council was facing having to implement other cost saving proposals, he regarded that it was important for the Council to understand what had gone wrong with this exercise in order that lessons could be learned.
- The Director welcomed the proposal to conduct an inquiry on the above basis. There had been a serious crisis involving the refuse collection service, and he could fully understand Members' desire to investigate what had happened and what lessons could be learned. The only concern the Director had was regarding the timing of the suggested

Inquiry. The service was only just returning to normality and all his officers' current attention was directed at it remaining that way. From this point of view, the 2011/12 municipal year would be preferable to an immediate Inquiry.

- The Board was supportive of the request for an Inquiry, on the basis of the above comments from Councillor Lamb and the Director. Members were anxious that any such Inquiry should take into account the background and context to the recent difficulties, i.e. the 2010 industrial action precipitated by the equal pay requirements, and this was agreed.

RESOLVED –

- a) That the request for scrutiny be approved, on the basis of the comments outlined above.
- b) That a Working Group be established to progress the Inquiry, comprising the Chair and Councillors G Driver, R Grahame, G Hyde, L Mulherin and P Wadsworth, but all Board Members be invited to attend Working Group meetings of they so wish.
- c) That the proposed Inquiry terms of reference be submitted to a future meeting for agreement.

95 Dog Control Orders

Further to Minute No. 50, 8th November 2010, the Board was reminded that at that meeting it had considered the Executive Board's proposals to introduce Dog Control Orders in the City, and had recommended a reduction from 6 to 4 in respect of the maximum number of dogs which may be walked by one person. This recommendation had been accepted, and the Director of Environment and Neighbourhoods had subsequently taken a delegated decision to implement that reduction.

Representations against this decision had been received from various quarters in the City, including professional dog walkers, and the Board was being requested today to review its previous recommendation.

In attendance at the meeting and responding to Members' queries and comments, were:-

- Councillor Tom Murray – Executive Member, Environmental Services.
- Graham Wilson - Head of Environmental Action and Parking.
- Stacey Campbell – Team Leader, Health and Environmental Action Service.

- Richie Womersley, Charlotte Hanson and Anne Birdsall – Representing professional dog walking businesses.

In brief summary, the main points of discussion were:-

- The representatives of the professional dog walkers explained about dog behaviour and psychology, about the professional manner in which they operated their businesses and the serious financial effects on businesses of restricting the number of dogs allowed to be walked by one person to four instead of the originally proposed six, which was the figure contained in the DEFRA guidance. They were also concerned regarding the complete lack of consultation with them before the proposals had been introduced. As responsible professionals and business people, they were happy to work with the Council regarding the possible introduction of a Code of Conduct, similar to the one operating in Harrogate, or even to contemplate a dog walking licensing system and exempt areas of land if that helped to allay Members' and the public's fears.
- Members acknowledged the points made. However, they also had a duty to take into account the wider picture. Over two-thirds (68%) of the public who had responded as part of the public consultation exercise had indicated that they felt that 4 or less dogs was the maximum number any one person could safely walk, keep under control and clean up after. The orders also applied to members of the public and unofficial dog walkers. There was real fear, not perceived or misplaced, amongst the public when confronted by a large number of dogs which may be out of control. Education of dog owners was an issue, and no-one could legislate for all irresponsible dog owners or walkers, no matter what the number of dogs contained in the orders. A code of conduct and the licensing of dog walkers, linked to a public campaign, might have some merit. Reference was made to houses in multiple occupation, which commenced as a voluntary code and then evolved into a licensing system with the support of local landlords.
- Graham Wilson stated that currently local authorities had no legislative powers to introduce a licensed dog walkers scheme. If it was proposed that a voluntary scheme should be looked at, then obviously there would be staffing implications and administrative costs, which would have to be passed on to the licence holder, in the same way that the current dog-boarding scheme operated. He suggested that if Members were minded for him to explore this option, then, in the interim, the number contained in the current Order, no more than 4 dogs per person, should remain, with officers retaining the current discretion to allow up to 6 dogs, providing they were being walked responsibly.

If a voluntary licensing scheme was progressed then anyone, for example, professional dog walkers, but the public too, wishing to walk more than 4 dogs would be licensed. Such licenses would be subject to review, renewal and possible revocation.

Consultation was about to commence on Phase 2 of the Order, which related to dogs being kept on leads whenever the owner was requested to do so by an authorised officer and dogs being excluded from prescribed areas, e.g. children's play areas, football pitches. A report would be going to all Area Committees in March/April to help identify these proposed exclusion zones, following which the public and professional groups would be consulted – including professional dog walkers. The intention was then to report back to the Scrutiny Board and the Executive Board with a view to the new regulations being introduced early in 2012.

RESOLVED –

- a) That the status quo be maintained pending consultation over the introduction of Phase 2 of the Order and a report back to this Board.
- b) That the officers, in consultation with the dog walkers, investigate the possible benefits and practicalities of introducing a voluntary licensing scheme for dog walkers, allied to a code of conduct and a public campaign, and include their findings in the above report back to the Board.

(NB: Councillor P Wadsworth left the meeting at 12.12 pm at the conclusion of this item.)

96 Safer Leeds Executive - Proposed Inquiry on how Local Authorities and Other Agencies Gather, Use and Share Information

Further to Minute No. 72, 6th January 2011, the Board was reminded that at that meeting, it had agreed to undertake an Inquiry in respect of acquisitive crime, with the focus on domestic burglary. The results of the November 2010 follow-up inspection by the Audit Commission and HM Inspector of Constabulary, referred to at that meeting, were imminent, and would be circulated to Board Members, as requested.

However, it had been suggested by the Executive Member, Neighbourhoods and Housing, in consultation with the Safer Leeds Executive, that a more relevant and helpful inquiry might instead be conducted into information gathering, use and sharing by the Council and other agencies, and the proposed terms of reference for such an Inquiry had been circulated with the agenda.

In attendance at the meeting and responding to Members' queries and comments, were Councillor P Gruen, Executive Member, Neighbourhoods and Housing, and Marcus Beacham, Head of Community Safety and Partnerships.

RESOLVED –

- a) That the suggestion be accepted, and the proposed Inquiry terms of reference be approved.
- b) That a Working Group be established to progress the Inquiry, all Board Members welcome to attend, and the Principal Scrutiny Adviser notify Members of Working Group meeting arrangements.

97 Budget Analysis for Housing Revenue Account and General Fund - Period 9 2010/11

The Director of Environment and Neighbourhoods updated the Board regarding the key variances and outturn figures for 2010/11 in respect of both the HRA and the General Fund for period 9 (end of December 2010).

In attendance at the meeting and responding to Members' queries and comments was Richard Ellis, Head of Finance, Environment and Neighbourhoods.

In brief summary, the main points of discussion were:-

- Members sought assurance that measures were in place to recover anticipated overspends, or to reduce them.

Richard Ellis indicated that he was satisfied that the picture presented represented a realistic assessment of the likely year-end position. Everything possible was being done to maintain a cap on expenditure. However, there were a number of variables over which the Department had little control, such as car parking income and waste disposal fees, which may have an effect on the final outcome.

- Richard Ellis explained the paragraph relating to staff being placed on the internal re-deployment register.
- Councillor R Grahame requested to be supplied with details of the recent repairs to compactors and containers which had led to an estimated overspend of £33k (which had been off-set by savings elsewhere).
- Councillor Marjoram raised an issue regarding alleged senior staff salary increases at the ALMOs. Councillor P Gruen indicated that he was aware of the situation and was investigating.

RESOLVED – That, subject to the above comments, the report be received and noted.

98 Work Programme

The Head of Scrutiny and Member Development submitted the Board's current work programme, updated to reflect decisions taken at previous meetings, together with the minutes of the Executive Board meeting held on

5th January 2011, and a relevant extract from the Council's Forward Plan of Key Decisions for the period 1st February to 31st May 2011.

RESOLVED – That the report be noted.

99 Dates and Times of Future Meetings

Monday, 14th March 2011.

Monday, 11th April 2011.

Both at 10.00 am (pre-meetings 9.30 am).