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Commissioning Board

Held at Council Chamber, Ryedale House, Malton
on Thursday 3 June 2010

Present

Councillors Mrs Arnold, Mrs Cowan, Mrs Cowling, Mrs De Wend Fenton, Mrs Frank, Hemesley OBE, Hope, Spencer and Ms Warriner MBE

In Attendance

Fiona Brown, Jos Holmes, Marie-Ann Jackson, Nicki Lishman, Phil Long, Steve Richmond and Julian Rudd

Minutes

PART ONE

1 **Emergency Evacuation Procedure**

2 **Apologies for Absence**

Apologies for absence were received from Councillor Mrs Keal.

3 **Minutes of Meeting of the Community Services Committee held on the 25 March 2010**

The minutes of a meeting of the Community Services Committee held on 25 March 2010 were submitted.

Resolved

That the minutes of the Community Services Committee held on 25 March 2010 be approved and signed by the Chairman as a correct record.

4 **Declarations of Interest**

In accordance with the Member's Code of Conduct Councillor Hemesley declared a personal interest in Item 11 as an owner of working dogs.

Councillor Mrs Arnold declared a personal and prejudicial interest in Item 10 as a Member of the Board of the Moors and Coast Tourism Partnership.

5 **Urgent Business**

The Chairman reported that there were no items of urgent business to be considered.

6 Welcome and Introduction by Chairman

The Chairman welcomed Councillor Spencer, the new Member for Norton West ward, to the Committee.

The Chairman explained that the Commissioning Board was a new type of Committee for the Council. Members were advised that this was a change for the Council, for both Members and Officers, and welcomed the opportunity to learn together.

The Chairman asked Members of the Board to give consideration to starting future meetings at 6.00 p.m. or earlier if possible. The matter would be brought to a future meeting of the Board.

The Chairman outlined the business that the Board would consider and determine at the meeting and outlined approximate timings for each item. Members were advised that the whole meeting should be approximately 2 hours in total.

7 Presentation by Seamus Breen, Assistant Director, Commissioning and Partnerships, NYCC

The Chairman introduced Mr S Breen, Assistant Director, Commissioning and Partnerships, North Yorkshire County Council and Mr M Hunt, Locality Commissioning Manager for Ryedale and Scarborough, North Yorkshire County Council.

Mr Breen congratulated the Council on taking such a unique step in introducing a Commissioning Board and assured the Board of his support and looked forward to working with the Board in the future.

He gave several examples of how the Board may work including looking at Locality Commissioning which examines what we do here and now; and Strategic Commissioning which looks to meeting future service needs and requirements.

For example, Commissioning would look at the best use of budgets; Place Shaping, which looks at understanding the needs of our communities and new, creative solutions to existing methods of working which may be identified by working closely with our communities and partners.

It was explained that Board agendas would be presented in three parts: Part One would include items not for determination such as presentations and

progress or situation reports; Part Two would include all the items for determination by the Board including any approvals to proceed required by project teams – this section could include both “A” and “B” items and Part Three would be for any decisions which need Council approval from the terms of reference of the former Community Services Committee – this section could also include both “A” and “B” items.

Members asked whether consideration of the Total Place initiative, which looks at how a ‘whole area’ approach to public services can lead to better services at less cost, could be brought to a future meeting of the Board.

PART TWO - "A" items dealt with under delegated powers or matters determined by the Board

8 Board Structure - Options

The Corporate Director submitted a report the purpose of which was to seek approval for the establishment of “working parties” and to appoint Members to the working parties of the Commissioning Board.

Members agreed to establish the Commissioning Board as the second policy committee of the Council. It has the responsibility for the range of services that contribute to the delivery of the Council’s priority aims 1 - 4. This is a wide brief and as such it was suggested that Members of the Board took the opportunity to appoint smaller “working parties” to manage the business as afforded to the standing committees in the constitution. It was also explained that Working Parties do not require political proportionality and may draw from all parts of the Council, the community and partners as required.

It is the Board’s decision as to the number, scope and make up of these working parties. In considering options for the structure and in making recommendations, Officers sought to balance the most effective means of delivering outcomes and the capacity of the Council’s support services to manage additional meetings.

It was suggested that in the first instance two “working parties” be appointed by the Board as Joint Commissioning Groups (JCGs): Economy & Housing Joint Commissioning Group and the Active and Environment Joint Commissioning Group.

The Corporate Director explained that the JCGs would work with partners and other stakeholders, with the ability to co-opt non-voting Members from both within the Council and externally, to consider matters which contributed to the priority aims 1 - 4 and may take recommendations to the Board for decision.

The terms of reference for the JCGs to include performance management; evaluation of the effectiveness of service delivery; community involvement and consultation; needs appraisals; and making recommendations to the Board regarding future investment opportunities.

All Members would be notified of any meeting, presentation, visit or other factfinding event undertaken by the Working Parties.

Resolved

- i. That two Joint Commissioning Groups: Economy and Housing and Active and Environment” be established.
- ii. That the following Members be appointed to the Joint Commissioning Groups for 2010/2011.

Economy and Housing

Councillors Mrs Arnold, Mrs Cowan, Mrs Cowling, Mrs De Wend Fenton, Mrs Keal and Ms Warriner.

Active and Environment

Councillors Mrs Arnold, Mrs Cowling, Frank, Hemesley, Hope, and Spencer.

9 **Ryedale: Needs Assessment - Presentation by Julian Rudd, Head of Economy & Housing**

The Head of Economy and Housing gave a presentation of a Needs Assessment for the Ryedale District.

Members were issued with a document, which gave a variety of demographic, economic social and health information about the district. Members were advised that this information would serve as a core set of data on the profile of the district and would used as the basis for informing the consideration of matters brought before future meetings of the Board.

Officers were congratulated on the quality of the document.

10 **Moors and Coast Tourism Partnership**

The Head of Economy and Housing submitted a report, which sought Members approval to support the Moors & Coast Tourism Partnership (MCTP) for a maximum of one further year; the 2010/11 Draft Business Plan and the Council’s financial contribution for the remaining term of the agreement.

Members approved the transfer of this Authority’s tourism budget and secondment of officers to the MCTP for the period 2008–13 in January 2008.

(CS minute 418 refers). This was subject to a break clause to allow for a review in 2009/10 when the existing Partnership Agreement terminated.

During this period, the tourism situation has changed at a fast pace. The funding situation has changed, with the regional tourism organisation 'Welcome to Yorkshire' (W2Y) now being the conduit of funding from Yorkshire Forward. Funding is now to be 'bid for' on a project by project basis, around the six W2Y themes:

- Domestic and Leisure Group Travel
- Branding and international leisure and business tourism
- Innovation, research and intelligence
- Engagement and skills
- Product development
- Network operations.

The Tourism Association North Yorkshire (the association for Ryedale tourism businesses) is embarking on the production of their own, independent holiday guide / brochure. There are some risks inherent in this process as it is a new activity for the Association and they do not have a track record in this respect. These will be mitigated by asking the MCTP to provide substantial support and a 'guarantee against loss' in the first year of the activity. This will ensure that a quality brochure is produced.

Some businesses in southern Ryedale suggested that the primary focus of the MCTP is central and northern Ryedale. To address these concerns the Council's local tourism initiative budget will be used to fund projects in the Wolds and around Malton. This issue will be addressed as part of the planned service review to be conducted by the Active and Economy Joint Commissioning Group. The review will be conducted using the strategic commissioning model and as such will be the Board's first commissioned project.

It was proposed that Ryedale District Council made a cash contribution of £44,827 for 2010/11. This contribution was at the same level as in previous years minus the previously agreed 3% efficiency saving.

It was also proposed to continue any existing staff secondments for a maximum of a further year as an in-kind contribution.

The Council retains a budget of £5,000 for local tourism initiatives to be developed with Ryedale businesses. In 2010/11 it was anticipated that this funding would be applied to working further with the Business in Action Group and contribute to a Wolds tourism project developed jointly with the Hull and East Riding Tourism Partnership.

It was moved by the Chairman and seconded by Councillor Ms Warriner that the recommendations in the report be approved.

Resolved

- (i) That support is given to the Moors & Coast Tourism Partnership (MCTP) during 2010/11 through a financial contribution of £44,827 and the secondment of the Tourism Assistant until 31 March 2011, subject to:
 - receipt of quarterly performance management information that demonstrates acceptable performance;
 - MCTP support for the production of the Tourism Association North Yorkshire (TANY) 2011 accommodation brochure, including a 'guarantee against loss' facility; and
- (ii) That a review of the commissioning of support to tourism is undertaken and recommendations made for 2011/12 and beyond.

NB In accordance with the Members Code of Conduct, Councillor Mrs Arnold declared a personal and prejudicial interest in the item as a Member of the Board of the Moors and Coast Tourism Partnership and left the room during consideration of the item.

PART THREE - "A" items dealt with under delegated powers or matters determined by the Board

11 **Fixed Penalty Notices**

The Head of Environment submitted a report recommending that members approve the adoption of fixed penalty notices for dog fouling and the delegation of authorisations to the Head of Environment.

A request had been received through the Safer Ryedale Partnership for the Police Community Support Officers (PCSOs) to be authorised to issue Fixed Penalty Notices for low-level environmental crimes such as littering and dog fouling.

Investigations into the legalities revealed that although the power to issue such notices for litter and a range of other matters have been authorised by the Council under the provisions of the Clean Neighbourhoods and Environment Act 2005 (Community Services and Licensing Committee 8 June 2006), the powers under the Dog Fouling of Land Act had not.

The Dogs Fouling of Land Act 1996 states that if a dog defecates at any time on designated land and a person who is in charge of the dog at that time fails to remove the dog faeces from the land forthwith, that person shall be guilty of an offence unless they have a reasonable excuse for failing to do so or the owner or occupier of the land has consented to their failure to do so. A person

who is guilty of an offence shall be liable on summary conviction to a fine not exceeding £1000. The Act also allows the option of an authorised officer to give the offender a notice offering them the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty. The current level of the fixed penalty is £50.

At the time of adoption of the Dogs Fouling of Land Act 1996 (Environment, Health and Housing Committee 2/10/97), the matter of enforcement by the discretionary use of Fixed Penalty Notices and the authorisation of officers who were not employees of the Council was not taken up. Following consultation with the Council Solicitor, it was recommended that for the avoidance of doubt, the Boards authorisation should be sought for both the adoption of fixed penalties and the power of delegation.

Following consideration of the report it was moved by the Chairman and seconded by Councillor Ms Warriner that the recommendations contained in the report be approved.

Resolved

- (i) That Fixed Penalty Notices under the provisions of the Dog Fouling of Land Act 1996 be adopted.
- (ii) The Head of Environment be delegated to authorise officers for this purpose and authorise any person by whom, in pursuance of arrangements made with the authority, any functions in relation to the enforcement of the Dog Fouling of Land Act 1996 or the Clean Neighbourhoods and Environment Act 2005, fall to be discharged or any employee of any such person

12 **Any other business that the Chairman decides is urgent.**

There were no items of urgent business.

The meeting closed at 9.00 p.m.

13 **Date of Next Meeting**

Commissioning Training at 5.30pm on Monday 14 June 2010.

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