

Notice of meeting of

Executive

To:	Councillors Waller (Chair), Ayre, Steve Galloway, Moore, Morley, Reid and Runciman
Date:	Tuesday, 26 April 2011
Time:	2.00 pm
Venue:	The Guildhall, York

AGENDA

Notice to Members - Calling In:

Members are reminded that, should they wish to call in any item on this agenda, notice must be given to Democracy Support Group by:

10:00 am on Thursday 21 April 2011, if an item is called in *before* a decision is taken, *or*

4:00 pm on Thursday 28 April 2011, if an item is called in *after* a decision has been taken.

Items called in will be considered by the Scrutiny Management Committee.

1. **Declarations of Interest**

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

2. Minutes (Pages 3 - 8)

To approve and sign the minutes of the Executive meeting held on 12 April 2011 and the Executive (Calling In) meeting held on 5 April 2011.

3. 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 a matter within the Executive's remit can do so. The deadline for registering is **5:00 pm on Thursday 21 April 2011**.

4. Executive Forward Plan (Pages 9 - 10)

To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

5. Final Report Arising from Carers' Review (Pages 11 - 16)

This report presents the findings of the Carers' Review undertaken by the Health Overview & Scrutiny Committee Task Group. Cllr Boyce, as Chair of the Committee and the Task Group, will be in attendance to present the Group's final report.

Note: copies of the A5 booklet style final report have been distributed with this agenda to Members only. The final report can also be viewed on-line.

6. Minutes of Working Groups (Pages 17 - 36)

This report presents the draft minutes of a meeting of the Local Development Framework Working Group (LDFWG) and asks Members to consider the advice given by the Group in its capacity as an advisory body to the Executive.

7. Urgent Business

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

Democracy Officer:

Name: Fiona Young

Contact details:

- Telephone – (01904) 551027
- E-mail – fiona.young@york.gov.uk

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
- Any special arrangements
- Copies of reports

Contact details are set out above.

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If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

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Holding the Executive to Account

The majority of councillors are not appointed to the Executive (40 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Decision Session) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- 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

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
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City of York Council

Committee Minutes

MEETING	EXECUTIVE
DATE	12 APRIL 2011
PRESENT	COUNCILLORS WALLER (CHAIR), AYRE, STEVE GALLOWAY, MOORE, MORLEY, REID AND RUNCIMAN
IN ATTENDANCE	COUNCILLOR D'AGORNE

190. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

191. MINUTES

RESOLVED: That the minutes of the Executive meeting held on 29 March 2011 and of the Executive (Calling In) meetings held on 21 December 2010, 11 January 2011, 1 March 2011 and 22 March 2011 be approved and signed by the Chair as a correct record of each meeting.

192. PUBLIC PARTICIPATION

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

193. EXECUTIVE FORWARD PLAN

Members received and noted details of those items currently listed on the Forward Plan for the next two Executive meetings.

194. FINAL REPORT ARISING FROM THE EDIBLE YORK AD HOC SCRUTINY REVIEW

Members considered a report which outlined the findings of the Edible York Ad Hoc Scrutiny Committee on their recent review, aimed at improving the Council's support for community food growing. Cllr D'Agorne, as Chair of the Committee, was in attendance to present the report.

The seven recommendations arising from the review were set out in paragraph 5 of the cover report. The implications of accepting the recommendations were outlined in paragraphs 12 to 21. The Committee's

final report had been circulated separately to Members as an A5 booklet and made available on the Council's website.

With regard to Recommendation 1, Cllr D'Agorne confirmed that the Community Furniture Store did not have the capacity to assist with a system to distribute garden tools; however, St Nicholas Fields would look into the possibility of working with the Council on this.

Having noted the comments of the Labour Group Spokespersons on this item, it was

RESOLVED: That the recommendations of the Ad Hoc Scrutiny Committee be supported and approved, subject to the following amendments:¹

- a) in Recommendation 6, delete the words '*reflect a broad presumption in favour of it being suitable for*' and substitute '*encourage areas to be used for*';
- b) in Recommendation 7, note that the Schools Forum no longer exists, so the request should be made to the relevant successor body.²

REASON: In order to provide an appropriate response to the Scrutiny Committee's findings and address the issues raised by the review.

Action Required

1. Take action to implement Recommendations 1-6 of the Scrutiny Cttee (noting the amendment to rec. 6) DM
2. Take action to implement Recommendation 7 of the Scrutiny Cttee (noting the amendment) RH

195. COVENANT OF MAYORS SEAP SUBMISSION AND SUSTAINABLE DEVELOPMENT UPDATE

Members considered a report which outlined the City of York's commitment to the EU Covenant of Mayors (CoM) campaign, to which it had signed up in December 2009. The report also sought approval for the Sustainability Energy Action Plan (SEAP) that was a core requirement of the campaign and provided an update on other sustainability work across the Council.

The City of York was committed to tackling climate change through the creation of a climate change strategy and compliance with three separate city-wide carbon reduction targets, including the target of a 20% reduction in CO₂ emissions by 2020 set by the CoM campaign. Another requirement of the campaign was to produce a SEAP setting out how the target reduction would be delivered. Full details of the CoM requirements were set out in Annex 1 to the report and a draft SEAP was attached as Annex 2.

Action to meet other carbon reduction targets would be delivered via the Climate Change Framework and Action Plan (CCFAP). The draft

consultation CCFAP was currently being re-evaluated to take account of the Council's decision to sign up to the Friends of the Earth 'Get Serious' campaign. It was clear from the carbon modelling study that had informed the SEAP and the CCFAP that maximising the potential of renewable energy and energy efficiency in York would be vital to meeting targets. A proposed approach and management structure to ensure a co-ordinated approach to this work, including revisions to the Council's Sustainable Development Board, was outlined in Annex 3. An update on work across the City to support climate change commitments was provided in Annex 4.

Having noted the comments of the Labour Group Spokespersons on this item, it was

RESOLVED: (i) That the draft SEAP at Annex 2 be approved. ¹

REASON: To enable the Council to submit the SEAP to the EU Covenant of Mayors team.

(ii) That the significant actions required to deliver a 20% reduction in city-wide CO₂ emissions by 2020 be noted.

REASON: To understand the scale of action required to achieve this reduction.

(iii) That the proposed revisions to the Sustainable Development Board, and the formation of a renewable energy generation task and finish group, as set out in Annex 3, be approved. ²

REASON: To ensure that the Council can take an enhanced leadership role installing and promoting renewable energy internally and across the City.

(iv) That the risks of delivering the SEAP, specifically the risk of delivering such challenging city-wide targets that rely on limited existing staff and partnership working to achieve them.

REASON: To highlight the ambition and challenge ahead in meeting the SEAP and CCFAP, where co-ordination of action and delivery of projects is on a city-wide scale.

Action Required

- | | |
|--|----|
| 1. Submit the SEAP | JW |
| 2. Take action to implement the changes to the Board / formation of the group, as agreed | JW |

196. FUNDING OF ADDITIONAL £657K REVENUE HIGHWAY MAINTENANCE SCHEME PROGRAMME 2011/12

Members considered a report which sought approval for the release of £657k contingency funding to undertake additional highway maintenance schemes.

The report had been brought to the Executive to in accordance with the decisions made at Budget Council on 24 February 2011, which had included approval of:

“a one-off investment in highways maintenance of £657k to be funded from reserves, to be held in contingency but earmarked – and only released following submission of a report from officers detailing spend.”

Details of the additional schemes were contained in Annex 1 to the report. Members requested that details of the total spend on highway resurfacing in the current year and the previous year also be provided.

Officers confirmed that financial regulations required the Executive to approve the release of any funds from contingency.

Having noted the comments of the Labour Group Spokespersons on this item, it was

RESOLVED: That the release of £657k from contingency for the additional highway maintenance schemes in Annex 1 be approved, in order that City of York Council can continue to maintain the road network in its current condition and to ensure that the authority is able to meet the Government’s requirements in respect of the £434k ‘pothole fund’, which demands that councils identify works over and above those in the normal highway maintenance programme.¹

REASON: For the reasons detailed above, and in accordance with Council’s decision to allocate £657k from reserves to the contingency budget for additional highway maintenance schemes.

Action Required

1. Allocate the funding as agreed and begin work on the additional schemes AB

A Waller, Chair

[The meeting started at 2.00 pm and finished at 2.30 pm].

MEETING	EXECUTIVE (CALLING IN)
DATE	5 APRIL 2011
PRESENT	COUNCILLORS WALLER (CHAIR), AYRE, STEVE GALLOWAY, MOORE, MORLEY, REID AND RUNCIMAN
IN ATTENDANCE	COUNCILLOR FRASER

22. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

23. PUBLIC PARTICIPATION / OTHER SPEAKERS

It was reported that no members of the public had registered to speak at the meeting under the Council's Public Participation Scheme. However, a union representative and a Member of Council had requested to speak.

Heather McKenzie, of UNISON, spoke in relation to agenda item 3 (Update on Reablement Service). She expressed concern about the timescale for the procurement process, the lack of scope to consider all options for provision of the service and the lack of clarity on future demands for the service.

Cllr Fraser, speaking on the same item, re-iterated the points he had made at the SMC (Calling In) meeting and urged that a decision on the matter be deferred until the new municipal year to allow consideration of other options, including potential partnership arrangements with York Hospital Trust.

24. CALLED-IN ITEM: UPDATE ON REABLEMENT SERVICE

Members re-considered the decisions they had taken at the Executive meeting on 15 March 2011 in relation to proposals to re-model the Council's reablement service and progress the purchase of the service from external providers.

The Executive's decisions on this item had been called in by Cllrs Alexander, Fraser and Simpson-Laing and subsequently considered by the Scrutiny Management Committee (SMC) (Calling In) at a meeting on 4 April. The SMC (Calling In) had resolved:

"That Option B be approved and the matter referred back to the Executive for reconsideration, with a recommendation that they amend their decisions to allow staff sufficient time to work on plans to form a mutual or social enterprise company, or a Local Authority Traded Company."

Officers at the meeting responded to the points raised on this item under Public Participation / Other Speakers. The Chair commented that there was a need to clarify:

- the steps taken to ensure implementation of the Executive's decision regarding the provision of information to staff about mutuals, social enterprise companies and Local Authority Trading Companies, and
- the statistics relating to delayed hospital discharges after 2006.

Having reconsidered the matter in the light of the advice of the SMC (Calling in) and the comments made and information provided at the meeting, it was

RESOLVED: That the decisions made by the Executive on this item on 15 March 2011 be confirmed.

REASON: In accordance with the calling-in procedure and in view of the fact that no evidence has been produced to justify amending the original decisions.

25. CALLED-IN ITEM: DRAFT FRAMEWORK FOR YORK LOW EMISSION STRATEGY

Members re-considered the decisions they had taken at the Executive meeting on 15 March 2011 in relation to a draft framework for the York Low Emission Strategy, to be taken forward for public consultation in 2011.

The Executive's decisions on this item had been called in by Cllrs Gunnell, Merrett and B Watson and subsequently considered by the Scrutiny Management Committee (SMC) (Calling In) at a meeting on 4 April. The SMC (Calling In) had resolved:

"That Option B be approved and the matter referred back to the Executive for reconsideration, with a recommendation that they give the matter more positive and detailed consideration"

Having reconsidered the matter in the light of the advice of the SMC (Calling in), it was

RESOLVED: That the decisions made by the Executive on this item on 15 March 2011 be confirmed.

REASON: In accordance with the calling-in procedure and in view of the fact that no evidence has been produced to justify amending the original decisions.

A Waller, Chair

[The meeting started at 2.00 pm and finished at 2.25 pm].

Executive Meeting 26 April 2011

EXECUTIVE FORWARD PLAN (as at 14 April 2011)

Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 7 June 2011		
Title & Description	Author	Portfolio Holder
<p>Proposed Increase in CYC Funding to the Voluntary Sector</p> <p><i>Purpose of report: At Budget Council in February 2011 it was agreed to increase CYC funding to the voluntary sector in York by an additional £93,000, in order to 'pump-prime initiatives in the voluntary sector which will enable council costs to be reduced in future years.</i></p> <p><i>Members are asked to consider the proposals put forward by officers (in consultation with the voluntary sector) for the allocation of this funding and approve, amend or reject accordingly.</i></p>	<p>Adam Gray/ Kate Bowers</p>	<p>Executive Member for Leisure, Culture and Social Inclusion</p>

Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 21 June 2011		
Title & Description	Author	Portfolio Holder
<p>Performance and Finance Year End Report 2010/11</p> <p><i>Purpose of report: To report the final progress against performance indicators and the financial outturn highlighted in the report.</i></p> <p><i>Members are asked to: Consider and note the issues highlighted in the report.</i></p>	<p>Pete Lowe/ Debbie Mitchell/ Andrew Crookham</p>	<p>Executive Member Corporate Services</p>

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Executive**26th April 2011**

Report of the Assistant Director Governance & ICT

Final Report arising from the Carers' Review**Summary**

1. This report presents Members with the final report arising from the Carers' Review (the attached A5 booklet refers). Councillor Boyce Chair of both the Carers' Review Task Group and the Health Overview & Scrutiny Committee will be in attendance at the meeting to present the report.

Background

2. The Chair of the Health Overview & Scrutiny Committee originally suggested this review topic and it was subsequently agreed by that Committee that a small cross-party Task Group be set up to undertake a review. Initially the Task Group recognised certain key objectives and the following remit was agreed:

Aim

3. To promote the valuable work done by carers and to improve the way City of York Council and its key partners identify carers and ensure they have access to information and the support available.

Key Objectives

- i. To raise awareness of carers
- ii. To improve access to information for carers

Summary of Recommendations Arising from the Review

4. Between November 2010 and February 2011 the Committee gathered information in relation to the review and this resulted in them making the following recommendations:

Key Objective (i)

- a. That health commissioners and providers ensure that there is greater consistency around how carers are identified and once identified their needs addressed. This would need to include:
 - o Training in carer awareness for all health professionals and allied staff

- That the hospital looks at extending the innovative approaches they have been piloting and embedding these into standard practices for all admissions and discharges
- That a written report be provided to the Health Overview & Scrutiny Committee on a six monthly basis in relation to quality indicators that are being monitored in respect of carers
- b. That the Multi-Agency Carers' Strategy Group identifies where it would be helpful to provide public information about what it means to be a carer and how to access support to enable carers to identify themselves earlier:
 - Where places are identified carer awareness training should be made available for key workers
- c. That City of York Council reviews its Equalities Framework to ensure that carers become an integral part of all equality and inclusion work and this to include:
 - Inviting a carer representative to become a member of the Equalities Advisory Group

Key Objective (ii)

- d. That health commissioners ensure that all care pathways provide guidance on the information and advice carers will need regarding specific medical conditions as well as sign posting them to support and advice. This will need to address what the impact might be on:
 - The carer
 - The family as a whole
 - The cared for person
 - e. That Adult Social Care Services develop a clear pathway, which provides an integrated approach to assessment for the whole family whilst recognising the individual needs within the family and the impact of caring on the carer.
 - f. To continue to promote carer awareness an annual update on the Carers Strategy for York be presented to the Health Overview & Scrutiny Committee and thereafter to the Executive Member for Health & Adult Social Services.
5. In addition to the above recommendation and if monies were to become available the Task Group hoped that consideration could be given to funding respite care in order that carers could take breaks.

Consultation

6. Consultation took place between the Task Group and Council Officers. A public event was held on 7th January 2011 and was attended by approximately 20 people, including carers, care workers and key partners.

7. Questionnaires were also completed as part of this review and 34 of these were received back.¹

Options

8. Having considered the findings contained within the final report the Executive may choose to support or reject the implementation of the recommendations arising from the review.

Analysis

9. Members of the Task Group analysed all the information received as part of the review and this was used to inform their recommendations.

Corporate Strategy 2009/2012

10. This topic is linked to the Healthy City aspect of the Corporate Strategy 2009/2012.

Implications

11. **Financial & Human Resources:** It is believed that much can be achieved without significant additional expenditure or change to job requirements or structure. The implications within the Council can be achieved within existing budgets. Recommendations affecting other partners would have some staff costs associated with any awareness raising, primarily in respect of releasing and training staff. Quantifying this will only be possible by our partner agencies identifying the numbers of staff who will need training. Learning resources already exist, with an E-Learning tool for 'Level 1' awareness available to all partners. Carers are also willing to be involved in training.
12. Other implications would need to be explored in detail by health commissioners as the need arises.
13. Contact was made with those organisations directly affected by the recommendations arising from the review. The following comments were received back and whilst they do not always highlight direct implications they do go some way to setting out the thoughts of some of those affected by the recommendations:
 - **Assistant Director, Assessment and Personalisation - Adults** thought this was an interesting piece of work. She had no issues with the suggestion of looking at Adult Social Care Pathways in order to link them with Carers' Pathways and it had already been agreed that this was needed. A start had been made on this through the overall locality redesign as part of the More for York programme.

¹ An additional questionnaire was received back in recent weeks and this reiterated comments that had been made in the other returned questionnaires.

- **Both NHS North Yorkshire & York and York Health Group (YHG)** are working closely together regarding raising the profile of carers. YHG said that as a transitional GP Commissioning Consortia they would add carers to their agenda for discussion.
- **York Hospital** – The Chief Nurse responded to the report as follows:

'All parties have learned from working together on raising the profile of carers in the acute hospital setting. We look forward to continuing to work with partners across the city to identify how to embed training into existing learning opportunities and within existing resources. For example e-learning packages are revolutionising the way training can be delivered to a wider variety of care workers and we have just agreed to explore making the e learning package created by the carers strategy group available for all staff. We have worked hard together to test the passport approach in neurology and we will continue in our combined efforts to ensure where appropriate this makes a difference to patients, carers and hospital based staff.'

Risk Management

14. There is a general risk for the health and social care economy that if the Council, the voluntary sector and key partners do not continue to identify and support carers then costs will rise. Carers provide an enormous amount of unpaid care, which would otherwise fall to health and social care agencies to provide. The recommendations within this report would help to reduce this risk.
15. There are no other risks associated with the recommendations in this report, which would need to be registered on the Council's risk register.

Recommendations

16. Executive are asked to consider the attached final report and associated recommendations and decide whether to support the recommendations arising from the review.

Reason: To address the concerns raised when this topic was originally suggested

Contact Details

Author:

Tracy Wallis
Scrutiny Officer
Scrutiny Services
Tel: 01904 551714

Chief Officer Responsible for the report:

Andrew Docherty
Assistant Director Governance & ICT
Tel: 01904 551004

Report Approved

Date 30.03.2011

Specialist Implications Officer(s) None

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

None

Annexes

Final report A5 colour booklet (printed for Executive Members only) with the PDF version of the document being available on-line

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Executive

26 April 2011

Report of the Assistant Director Governance and ICT

Minutes of Working Groups

Summary

1. This report presents the draft minutes of a meeting of the Local Development Framework Working Group (LDFWG) and asks Members to consider the advice given by the Group in its capacity as an advisory body to the Executive.

Background

2. Under the Council's Constitution, the role of Working Groups is to advise the Executive on issues within their particular remits. To ensure that the Executive is able to consider the advice of the Working Groups, it has been agreed that minutes of the Groups' meetings will be brought to the Executive on a regular basis. In accordance with the requirements of the Constitution, draft minutes of the following meeting are presented with this report:

- LDFWG of 14 March 2011 (Annex A)

Consultation

3. No consultation has taken place on the attached minutes, which have been referred directly from the Working Group. It is assumed that any relevant consultation on the items considered by the Group was carried out in advance of their meeting.

Options

4. Options open to the Executive are either to accept or to reject any advice that may be offered by the Working Group, and / or to comment on the advice.

Analysis

5. Members are asked to consider endorsing the following recommendations from the LDFWG contained in the attached draft minutes at Annex A (minute refers):

“That the Executive be recommended to approve the proposed Strategic Flood Risk Assessment, included as Annex A to the report, for publication as part of the Local Development Framework evidence base, subject to the comments made by the LDF Working Group and the circulated table of suggested changes provided by Councillor Moore”.

and

“That it be recommended to the Executive that the making of any other necessary changes arising from the recommendation of the LDF Working Group prior to its publication as part of the Local Development Framework evidence base be delegated to the Director of City Strategy in consultation with the Executive Member for City Strategy”.

6. The comments received at the 14 March 2011 LDF Working Group and those comments received after the meeting are included within Appendix A1 and A2 to this report. Appendix A1 highlights the proposed changes and Appendix A2 highlights the comments where ‘no change’ is recommended.

Corporate Priorities

7. The aims in referring these minutes accord with the Council’s corporate values to provide strong leadership in terms of advising these bodies on their direction and any recommendations they wish to make.

Implications

8. There are no known implications in relation to the following in terms of dealing with the specific matter before Members, namely to consider the minutes and determine their response to the advice offered:

- **Financial**
- **Human Resources (HR)**
- **Equalities**
- **Legal**
- **Crime and Disorder**
- **Property**
- **Other**

Risk Management

9. In compliance with the Council’s risk management strategy, there are no risks associated with the recommendations of this report.

Recommendations

10. Members are asked to note the draft minutes attached at Annex A and to decide whether they wish to:
- a. Approve the specific recommendations made by the Local Development Framework Working Group, as set out in paragraphs 5 and 6 above, and/or;
 - b. Respond to any of the advice offered by the Working Group.

Reason:

To fulfil the requirements of the council’s Constitution in relation to the role of Working Groups.

Contact details:

Author:

Jayne Carr
Democracy Officer
01904 552030
email:
jayne.carr@york.gov.uk

Chief Officer Responsible for the report:

Andrew Docherty
Assistant Director Governance and ICT

Report Approved ✓ **Date** 7 April 2011

Specialist Implications Officer(s) None

Wards Affected:

All

For further information please contact the author of the report

Annexes

Annex A – Draft Minutes of the LDF Working Group of 14 March 2011

Appendix A1 – Proposed Changes

Appendix A2 – Officer recommendation of “no change”

Background Papers

Agendas and associated reports for the above meeting (available on the Council’s website).

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City of York Council

Draft Committee Minutes

MEETING	LOCAL DEVELOPMENT FRAMEWORK WORKING GROUP
DATE	14 MARCH 2011
PRESENT	COUNCILLORS MERRETT (VICE-CHAIR), STEVE GALLOWAY (CHAIR), POTTER, D'AGORNE, AYRE, REID, SIMPSON-LAING AND WATT

37. DECLARATIONS OF INTEREST

At this point in the meeting Members were asked to declare any personal or prejudicial interests they may have in the business on the agenda.

Councillor Simpson Laing declared a personal interest as she lives in flood zone 3a and the street is mentioned by name in the document.

38. MINUTES

RESOLVED: That the minutes of the LDF Working Group meeting held on 14th February 2011 be approved and signed by the Chair as a correct record.

39. PUBLIC PARTICIPATION

It was reported that there had been one registration to speak at the meeting.

Councillor Moore advised that he had met with Officers and a table of suggested amendments as a result of the meeting, had been circulated to the Working Group. He made the following comments:

- The Officer report is robust.
- The Environment Agency's flood maps are potentially over cautious especially near Rawcliffe Lake. This area should not be within Flood Zone 2 as nearby properties are not affected.
- The last sentence of paragraph 3.8.7 refers to the review of the November floods by Arup which indicated significant flooding would still have occurred in the Rawcliffe area due to backing up of flood water derived from within the Blue Beck catchment itself. It is suggested that this was also because the flood basin was too small. Environment Agency work is due to be carried out at this site.

40. CITY OF YORK COUNCIL - STRATEGIC FLOOD RISK ASSESSMENT UPDATE.

Members considered a report which advised them on the updated Strategic Flood Risk Assessment (SFRA) for York. The report outlined the requirements of Planning Policy Statement 25 (PPS25) 'Development and Flood Risk', the components of the SFRA and the key amendments to the SFRA which was originally approved by Members in 2007.

Officers outlined the report and advised that the key change made to York's SFRA is the refining of the flood risk classifications reflecting the use of more accurate information and modelling work. A draft of the update SFRA was attached as Annex A of the report.

Members made the following comments:

- The document is repetitive in parts and not easy to understand. Members suggested that an Executive Summary at the beginning of the document might be useful to assist members of the public.
- Members queried why certain areas of York are mentioned specific to policy but other areas that are subject to flooding such as Clementhorpe are not.
- Members sought assurance that areas of York affected by flood barriers being over-topped were covered by other policies. Officers confirmed this would be an emergency planning issue.

Officers confirmed that they would look into producing an executive summary and also at focusing on specific areas where appropriate. The amendments as tabled would also be incorporated subject to approval by the Executive.

RESOLVED: (i) That the Executive be recommended to approve the proposed Strategic Flood Risk Assessment, included as Annex A to the report, for publication as part of the Local Development Framework evidence base, subject to the comments made by the LDF Working Group and the circulated table of suggested changes provided by Councillor Moore.

REASON So that the Strategic Flood Risk Assessment can continue to be used as part of the Local Development Framework evidence base.

RESOLVED: (ii) That it be recommended to the Executive that the making of any other necessary changes arising from the recommendation of the LDF Working Group prior to its publication as part of the Local Development Framework evidence base be delegated to the Director of City Strategy in consultation with the Executive Member for City Strategy.

REASON: So that any changes can be incorporated into the Strategic Flood Risk Assessment prior to its publication.

Cllr S F Galloway, Chair

[The meeting started at 4.30 pm and finished at 5.00 pm].

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Appendix A1: Proposed Changes

	Comments arising at the 14th March 2011 LDF Working Group Meeting	Officers Response
1.	The document is repetitive in parts and is not easy to understand. Members suggested that an Executive Summary at the beginning of the document would be useful to assist members of the public.	To produce a Strategic Flood Risk Assessment (SFRA) User Guide primarily for use by the general public.
2.	Page 5 of the SFRA (2011) highlights the figure numbers. Figure 8 has been deleted so the subsequent figures will need to be re-numbered. The maps referred to as figure 11 a-g should be split up into North, South and City Centre (as provided to Members). These figure changes will need to be amended in the document accordingly.	<p>To amend the figure numbers throughout the report to read:</p> <p>Figure 1: Main River and Tributary Network in York</p> <p>Figure 2: River Ouse and Foss Catchment Boundaries</p> <p>Figure 3: River Derwent Catchment Boundary</p> <p>Figure 4: Internal Drainage Board Boundaries</p> <p>Figure 5: River Ouse Yearly Maximum Flood Levels</p> <p>Figure 6: River Zones in York</p> <p>Figure 7: Existing York Flood Defences</p> <p>Figure 8: Environment Agency Flood Zones</p> <p>Figure 9: Local Plan Map Extracts</p> <p>Figure 10: Flood Risk Areas within Zone 1, 2 & 3 (key plan)</p> <p>Figure 10a: Flood Risk Areas within Zone 1, 2 & 3 – North</p> <p>Figure 10b: Flood Risk Areas within Zone 1, 2 & 3 – South</p> <p>Figure 10c: Flood Risk Areas within Zone 1, 2 & 3 – City Centre</p> <p>Figure 11: Plan view of Danger to People from Breach Scenario</p> <p>Figure 12: Sectional view of Danger to People from Breach</p>

		<p>Scenario</p> <p>Figure 13: Flooded Domestic Properties in 2000 – Key Plan</p> <p>Figure 13a: Flooded Domestic Properties in 2000 – Rawcliffe</p> <p>Figure 13b: Flooded Domestic Properties in 2000 – City Centre and Clementhorpe</p> <p>Figure 13c: Flooded Domestic Properties in 2000 – Fulford</p> <p>Figure 13d: Flooded Domestic Properties in 2000 – Bishopthorpe</p> <p>Figure 13e: Flooded Domestic Properties in 2000 – Naburn and Acaster Malbis</p> <p>Figure 13f: Flooded Domestic Properties in 2000 – Elvington</p>
3.	<p>There is a discrepancy between the number of properties that were flooded in the 2000 floods. Paragraph 1.1.2 states 365 properties, paragraph 1.1.5 states 400 homes and businesses and on page 40 it indicates that 400 properties were affected by the flooding. This needs to be clarified.</p>	<p>To amend the text in all paragraphs to clarify that in the 2000 floods 353 properties were flooded, and a further 3,500 properties were threatened. These figures reflect the Flood Scrutiny Panel Report, 2004.</p>
4.	<p>Add into paragraph 1.1.2 that in November 2000 there were no deaths despite the severity of the floods.</p>	<p>To add the following text to Paragraph 1.1.2:</p> <p>The flood in 2000 was a result of rainfall alone, following a very wet autumn. It flooded 353 properties and threatened a further 3,500. Subsequent modelling calculated this flood to have a return period of 1 in 80-years (1.1%), and the maximum flood level was 300mm above the 1982 event. <u>There were no fatalities despite the severity of the flood.</u></p>
5.	<p>The following agencies have been missed of the list in paragraph 1.1.5 and need to be added: Parish Councils; British Civil Defence Force; Yorkshire</p>	<p>To add the following text to paragraph 1.1.5:</p> <p>The combined forces of the Army, the Environment Agency and</p>

	Ambulance Service; and Police.	City of York Council were required to prevent further devastation and to clear up once floodwaters had receded. <u>In addition to the three emergency services, assistance was also provided by Parish Councils and the British Civil Defence Force.</u>
6.	Update paragraph 2.1.2 to indicate that: Blue Beck also drains Skelton and Clifton Without; and Burdyke also drains Clifton Without.	To update paragraph 2.1.2 to read: <ul style="list-style-type: none"> • Blue Beck – drains relatively flat areas of residential and commercial development in Rawcliffe, <u>Skelton, Clifton Without</u> and Clifton Moor north west of the city. • Burdyke – drains relatively flat areas of residential and commercial development in Clifton <u>and Clifton Without</u> north of the city.
7.	Amend to reflect the role of the flood defences up to the Outer Ring Road at paragraph 2.4.1.	To amend paragraph 2.4.1 to read: York's flood defences were mainly constructed alongside vulnerable sections of the River Ouse, between <u>Rawcliffe Ings</u> Clifton Bridge and Rowntree Park, to protect property in areas where major flooding has occurred in the past.
8.	The Directives referred to in paragraph's 2.7.2 and 2.7.3 need to be altered to be in chronological order.	To change around paragraphs 2.7.2 and 2.7.3 so the Directives are in chronological order.
9.	The table in paragraph 3.1.4 needs to be updated. The length of the Burdyke open watercourse should not be nil.	To add a footnote to clarify that Burdyke is not an open water course in the City of York drainage area but note that Burdyke is an open watercourse in the Kyle and Upper Ouse Internal Drainage Board area which is within the City of York Council authority boundary.
10.	At the end of paragraph 3.1.7 Clifton Without needs to be added. Also add information on the hydrology of Rawcliffe Lake.	To add the following text to paragraph 3.1.7: '...However, Yorkshire Water Services own and manage Rawcliffe Lake, which provides attenuation storage for flows from Clifton Moor <u>and Clifton Without. Controlled flows from the lake discharge to Blue Beck which flows to the River Ouse</u> '.




11.	The Multi-agency emergency response plan is reviewed in consultation with the Environment Agency annually not every two years. (Paragraph 3.3.2, 1 st bullet point). All members of Silver Command also need to be included. For example the Police and the Army.	To amend the following text in paragraph 3.3.2: 'Ensures that its emergency response plans include appropriate arrangements for flooding emergencies and reviews the plan, in consultation with the Environment Agency, <u>Internal Drainage Board's, Yorkshire Water Services and the emergency services annually at least every two years</u> '
12.	The first bullet point of paragraph 3.4.5 relates to a breach of 100m wide. This should relate to pressure not size of breach.	To add the following wording to paragraph 3.4.5 bullet point 1: ▪ 'This table has been generated for a breach of 100m wide, breaching onto a flat floodplain. There maybe greater spatial variation for different sized breaches uncertainty is expected to be relatively large. <u>A breach smaller than 100m wide could also lead to serious problems</u> '.
13.	It should be clear if the flood depth mapping referred to in paragraph 3.5.1 is an assumption.	To add the following wording to paragraph 3.5.1: Extensive historic flooding records exist for the River Ouse in York, dating back to 1263 A.D. The most recent and biggest flood in autumn 2000 was assessed by the EA using computer modelling as having a 1 in 80-year return period. This is approximately only 100mm lower than the predicted 1 in 100-year (1%) flood. The aerial photographic records taken within hours of this flood peak, supplemented by subsequent levelling surveys, allows Zone 3 (1 in 100-year (1%)) to be predicted with a high degree of confidence, <u>this is an assumption made from hydraulic modelling.</u>
14.	Section 3.8 page 39: ▪ The 1 st bullet point of Section 3.8 'General' indicates that in 2000 the River Ouse rose to 5.4m above normal. The location of this measurement should be	To update the 1 st bullet point of Section 3.8, under the 'General' section to read: • Heavy, persistent rainfall and/or rapid snowmelt on the high

	<p>clarified.</p> <ul style="list-style-type: none"> ▪ 2nd bullet point of Section 3.8 'General' is there a small beck at Poppleton before the Ring Road? This needs to be checked and added if appropriate; ▪ The 4th bullet point of 'Environmental Features' refers to important sites of environmental interest this section should also refer to Clifton Ings noted for it's special grassland area; and 	<p>ground results in rises in river level in York, and in 2000 it rose to 5.4m above the normal <u>summer level of 5.0 m above ordnance datum. River Ouse levels are recorded at the Viking Recorder, North Street and all Ouse flood warnings quote the level at this location.</u></p> <p>To add a new paragraph in the 2nd bullet point of Section 3.8 under the 'General' section to read: <u>In addition to these there are minor watercourses draining Poppleton, Acomb, Bishopthorpe and Acaster Malbis.</u></p> <p>To add the following new wording under the 'Environmental Features' of Section 3.8 to read: <u>'...Clifton Ings, while not a SSSI, is noted as a special grassland area'.</u></p>
15.	<p>The standard of protection reference given in paragraph 3.8.4 defines the term freeboard. This should be stipulated earlier in the document.</p>	<p>To include the following definition for freeboard to the glossary:</p> <p><u>Freeboard The difference between the flood defence level and the design flood level.</u></p>
16.	<p>Last sentence of Paragraph 3.8.7 indicates that a review of the November 2000 floods by Arup indicated that significant flooding would still have occurred in the Rawcliffe area due to backing up of flood water derived from within the Blue Beck catchment itself. It is suggested that this was also because the flood basin was too small.</p>	<p>To amend paragraph 3.8.7 to read: However, the review of the November 2000 flood by Arup concluded that significant flooding could still result from the backing-up of floodwater derived from within the Blue Beck catchment itself, <u>due to the limited capacity of local storage behind the flood defence.</u></p>
17.	<p>Paragraph 3.8.14 states that November 2000 saw 120</p>	<p>To amend paragraph 3.8.14 to read:</p>

	properties in Rawcliffe affected by flooding primarily as a result of outflanking of flood defences. The word 'primarily' needs to be deleted and replaced with flooding <u>was</u> a result of outflanking of flood defences.	'November 2000 saw 120 properties in Rawcliffe affected by flooding, primarily as a result of outflanking of the flood defences by the River Ouse. i.e. the floodwater inundated the area via a low point in the defences'...
18.	<p>The second bullet point of paragraph 3.8.15 refers to emergency track-ways. This was funded by the Internal Drainage Board and from money from the Rawcliffe Parish Council and not the Environment Agency. Include in the introduction to paragraph 3.8.15 the Environment Agency, Internal Drainage Board and Rawcliffe Parish Council.</p> <p>The final bullet point of paragraph 3.8.15 should be altered to read: The flood <u>response</u> procedure was amended.</p>	<p>To amend paragraph 3.8.15 to read: Following the investigation in 2001, the Rawcliffe defences were subsequently upgraded by the EA, <u>with additional funding from Rawcliffe Parish Council and the Kyle and Upper Ouse IDB</u> as follows: -</p> <ul style="list-style-type: none"> • A new section of flood bank was constructed to prevent outflanking of the defences. • An emergency track-way was laid to enable temporary pumping to be deployed. • Telemetry was installed to monitor water levels. • The flood <u>response</u> procedure was amended.
19.	Paragraph 3.8.17 (Burdyke) refers to past flooding events focusing on Clifton Green this should be expanded to include the roundabout and the area behind Canon Lee School (Lilbourne Drive).	To expand paragraph 3.8.17 to include the roundabout and area behind Canon Lee School (Lilbourne Drive) and indicate this area is affected by surface water flooding due to infrastructure failure.
20.	Question whether the November 2000 floods came within overtopping both sets of defences as referred to in paragraph 3.8.23 due to the presence of the sandbags. The Leeman Road Sorting Office should also be mentioned.	<p>To amend paragraph 3.8.23 to read:</p> <p>However, the November 2000 flood came within 50mm of overtopping both defences and a high risk of flooding remains, should the floodwalls fail. <u>A low point has been identified in the grounds of the sorting office on Leeman Road.</u> Neither defence provides 1 in 100-year (1%) protection and are classed as high-risk, rapid inundation zones, with significant flood depth exceeding 0.6m. Consequently, future development in these areas should be</p>

		constrained, as detailed in Section 4.
21.	Areas South of the York City Centre such as Clementhorpe, Bishopthorpe, Acaster Malbis, Fulford on A19 and Naburn also need a specific section in addition to the areas highlighted in paragraph 3.8.24.	To amend paragraph 3.8.24 to take account of areas South of York City Centre and update it to include the following areas: Skeldergate and Queens Staith, Kings Staith and South Esplanade and New Walk <u>and areas South of the City Centre, i.e. Clementhorpe, Bishopthorpe, Acaster Malbis, Fulford and Naburn.</u>
22.	Query the following paragraphs (4.1.9, 4.1.19, 4.1.33) which refer to sustainable drainage systems (SUDs). York has a high water table and some SUDs methods could exacerbate the problem. Suggest the wording in paragraph 4.1.49 is used which states the use of SUDs must be considered 'where practicable'.	To amend paragraphs 4.1.9, 4.1.19, 4.1.33 to read: The use of sustainable drainage systems must be considered, <u>where practicable</u> , to enable this target to be met.
23.	The paragraph in italics which refers to the BRE Digest 365 test is of critical importance and should be emphasised more.	To highlight the information on the BRE Digest 365 test in bold to emphasis its importance.
24.	It is queried whether Blue Beck and Burdyke have a 1 in 100-year protection as stated in paragraph 4.2.2.	To alter paragraph 4.2.2 to read: Blue Beck has 1 in 100-year (1%) <u>1 in 80-year (1.1%)</u> protection from the River Ouse, but has the potential to flood behind the defences due to insufficient flood storage, which persists within the catchment.
25.	Include the Flood Scrutiny Panel Final Report in Appendix 1.	To add ' <u>The Flood Scrutiny Panel Report, 2004</u> ' to Appendix 1.
26.	List Consultees referred to in Appendix 2 including Parish Councils.	To add <u>Parish Council's</u> to the list of Consultees in Appendix 2.
27.	Only the policy has been included in Appendix 5. The	To add the Local Plan Development and Flood Risk Policy GP15a

	Reason Justification also needs to be added. Appendix 5 should also include the new Core Strategy flood risk policy.	Reasoned Justification to the Appendix. To add a new Appendix to include the latest Core Strategy Flood Risk Policy.
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	Comments received after the 14th March 2011 LDF Working Group Meeting	Officers Response
1.	Table 3.1 relates to 'Head above Crest' a definition of what this means needs to be included with the document.	To include the term 'Head above Crest' within the glossary to read: <u>Head above Crest Level</u> <u>Depth of water above level of defence or breach.</u>
2.	Table 3.2 needs to include a key.	To add the following key: <u>Key</u>  Danger for some (Yellow)  Danger for most (Amber)  Danger for all (Red)
3.	Clementhorpe area should be added into Paragraph 3.8.24	To amend paragraph 3.8.24 to take account of areas South of York City Centre and update it to include the following areas: Skeldergate and Queens Staith, Kings Staith and South Esplanade and New Walk <u>and areas South of the City Centre, i.e. Clementhorpe, Bishopthorpe, Acaster Malbis, Fulford and</u>

4.	The first bullet point under Section 3.10 refers to the length of the River Derwent and it's tributaries being 275km is this correct?	<p><u>Naburn.</u></p> <p>275km is correct as it refers to the total length of the River from it's Source to Mouth. Add the following wording to make this clearer:</p> <ul style="list-style-type: none"> • Total length of main river of the Derwent and its tributaries is approximately 275km. <u>This includes the length of the River Derwent outside of the City of York Council authority boundary.</u>
5.	Table 5.1a and 5.1b include supplementary objectives. Why are these objectives separated in this way?	To update the Sustainability Objectives so they are inline with the current Sustainability Appraisal Objectives relating to York's LDF Core Strategy.

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Appendix A2: Officer recommendation of ‘no change’

	Comments arising at the 14th March 2011 LDF Working Group Meeting	Officers Response
1.	<p>Section 3.8:</p> <ul style="list-style-type: none"> ▪ The 1st bullet point of the ‘Flood Plain Characteristics – Past Flood Events’ section has missed off the 2004 floods. 	<p>The records of maximum River Ouse levels since 2000 have been re-checked. The maximum level reached in 2004 (4.07m Above Sea Level (ASL)), besides being exceeded in 2000, was also exceeded every year from 2005 to 2009. All of the events since 2000 have been routine in terms of response, none significant. No change recommended.</p>
2.	<p>Question the key messages section on page 48. Blue Beck has not flooded since 2000 and query whether surface water flooding and from smaller watercourses such as Burdyke and Tang Hall Back is ‘common’.</p>	<p>The key message is taken from ‘The Ouse Catchment Flood Management Plan (CFMP) (July 2010)’. The City of York Council have agreed this wording with the Environment Agency and therefore should not be altered. No change recommended.</p>
3.	<p>The Environment Agency’s flood maps are questioned as potentially overly cautious especially near Rawcliffe Lake. This area for example should not be within Flood Zone 2 (Paragraph 3.8.9).</p>	<p>The Environment Agency maps are considered to be robust. No change recommended.</p>

	Comments received after the 14th March 2011 LDF Working Group Meeting	Officers Response
1.	<p>Why are there no floor levels or flood resilience measures in Paragraph 4.1.112?</p>	<p>Paragraph 4.1.112 relates to Zone 3b (The Functional Floodplain) it is therefore unnecessary to put in these measures in this zone due to development opportunities being limited. No change recommended.</p>

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