



Notice of a public meeting of

Decision Session - Executive Member for Environment

To: Councillor Waller (Executive Member)

Date: Monday, 2 October 2017

Time: 5.30pm

Venue: The Thornton Room - Ground Floor, West Offices (G039)

AGENDA

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democratic Services by **4:00pm on Wednesday 4 October 2017**.

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called-in items will be considered by the Customer & Corporate Services Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5:00pm on Thursday 28 September 2017**.

1. Declarations of Interest

At this point in the meeting, the Executive Member is asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which he might have in respect of business on this agenda.

2. Minutes (Pages 1 - 10)

To approve and sign the minutes of the Decision Sessions held on 07 August 2017 and 04 September 2017.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. The deadline for registering is **5:00pm on Friday 29 September 2017**. Members of the public can speak on agenda items or matters within the remit of the Committee.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

Filming, Recording or Webcasting Meetings

Please note this meeting may be filmed and webcast ,or recorded, and that includes any registered public speakers who have given their permission. The broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if recorded, this will be uploaded onto the Council's website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting e.g. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/download/downloads/id/11406/protocol_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

4. Update Report on action to mitigate risk of fire at City of York Council following the Grenfell Tower fire (Pages 11 - 18)

This report provides an update of the work undertaken to mitigate the risk from fire following the Grenfell Tower as requested by the Executive Member for the Environment at his decision session on 03 July 2017.

5. Urgent Business

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

Democracy Officers:

Catherine Clarke and Louise Cook (job share)

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For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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City of York Council

Committee Minutes

| | |
|---------|---|
| Meeting | Decision Session - Executive Member for Environment |
| Date | 7 August 2017 |
| Present | Councillor Waller |

8. Declarations of Interest

At this point in the meeting, the Executive Member was asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which he had in the business on the agenda. No additional interests were declared.

9. Minutes

Resolved: That the minutes of the Decision Session held on 3 July 2017 be approved as a correct record and then signed by the Executive Member.

10. Public Participation

It was reported that there had been two registrations to speak at the meeting under the Council's Public Participation Scheme.

Dave Merrett spoke in relation to item 4 of the agenda (Air Quality – Annual Status Report) and raised a number of questions and concerns regarding whether the clean air strategy was on track for delivery in 2018.

Councillor D'Agorne also spoke in relation to item 4 of the agenda (Air Quality – Annual Status Report) in his capacity as a ward councillor. He presented and endorsed a Petition for a Clean Air Zone in York from York Green Party. The Democracy Officer undertook to forward the petition to the Public Protection Manager and Sustainable Transport Manager, to whom the petition was addressed.

Councillor D'Agorne raised a number of concerns regarding the clean air zone, highlighting his view that the Contract Natural Gas (CNG) refuelling infrastructure (and freight consolidation centre) had made no progress.

11. Air Quality - Annual Status Report

The Executive Member considered a report that provided an update on air quality in York, following submission of the 2017 Annual Status Report to DEFRA in June 2017. Officers gave a brief overview of the report, updating the Executive Member on the progress of the three Air Quality Management Areas (AQMAs) where the health based national air quality objectives for nitrogen dioxide (NO₂) had previously been found to be exceeded.

In answer to the Executive Member's questions officers confirmed:

- It had not been possible to attract an investor to the CNG refuelling and infrastructure and freight delivery sites.
- Emissions standards for hackney carriages had been introduced earlier in the year
- 14% of taxis were low emission vehicles.
- Air quality had been considered as part of the Local Plan
- A number of actions had been undertaken as part of the low emission strategy.

Following consideration of the two options, the Executive Member thanked Officers and suggested that the revocation of the Salisbury Terrace AQMA (Order No.3) be approved with the requirement of current levels of monitoring at Salisbury Terrace to be reported in future annual reports.

Resolved:

- i. That the report be noted.
- ii. That the revocation of the Salisbury Terrace AQMA (Order No.3) be approved by the Executive Member whilst requiring the current levels of monitoring at Salisbury Terrace to be reported in future annual reports.

Reason: Historical nitrogen dioxide (NO₂) monitoring results have been consistently below the health based annual mean objective for this pollutant since 2013.

12. Food Service Plan

The Food Service Plan 2017/18 was presented to the Executive Member. The Public Protection Manager advised that the Council was required to produce an annual food service plan to satisfy the statutory requirements within the Food Law Code of Practice which was overseen by the Food Standards Agency (FSA).

The Executive Member was provided with an overview of the report and it was noted that additional monitoring would be provided during the year.

The Executive Member considered the three options and it was

Resolved: That the food service plan be approved.

Reason: This will ensure that the council has a plan to fulfil its obligations under the Food Law Code of Practice.

Cllr A Waller, Executive Member
[The meeting started at 5.30pm and finished at 6.15pm].

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|---------|---|
| Meeting | Decision Session - Executive Member for Environment |
| Date | 4 September 2017 |
| Present | Councillor Waller |

14. Public Participation

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

However, the Executive Member indicated that written submissions had been received from Cllr Hayes and Dave Merrett regarding progress on the use of demountable flood defences in the Clementhorpe area (action 6 in Annex 2 to the report refers). He requested that Officers provide a written response, to be annexed to the minutes of the meeting.

15. Declarations of Interest

At this point in the meeting, the Executive Member was asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which he had in the business on the agenda. No additional interests were declared.

16. York 5 Year Flood Plan Update

The Executive Member considered a report that provided an update in relation to the York 5 Year Flood Plan and sought feedback on all content.

Annex 1 to the report outlined work carried out by the Environment Agency (EA) since the last update in July. This had focused on planning and undertaking surveys for the first potential schemes, ensuring progress at the Foss Barrier remained on track, and further developing the Long Term Plan. Annex 2 set out progress on each of the 91 actions arising from the York Flood Inquiry.

An officer from the EA was present to provide further information and respond to questions, along with the Council's Flood Risk & Asset Manager and Emergency Planning Manager.

In response to questions and comments from the Executive Member, officers:

- Outlined the reasons for the time being taken to investigate options for demountable defences at Clementhorpe, confirming that a written response, including details of plans for public engagement on the options, would be provided; information would also be made available via a newsletter, social media and a drop-in centre open 2 days per week.
- Confirmed the existing flood defence procedures for the Clementhorpe area, which was not considered to be at high risk of flooding, though it was accepted that the overall frequency of severe flood events had increased in recent years. *[Further information on Clementhorpe is included in the annex to these minutes referred to in Minute 14 above]*
- Clarified the investment situation, explaining that the overall funding required would be determined as projects progressed and that a 'consenting master plan' was being developed, with a view to engaging as early as possible with stakeholders.
- Agreed that the EA would liaise with the council to ensure all members were aware of survey and investigation work being carried out in their wards, as well as communicating this information to the public via the usual channels.
- Outlined plans to recruit a council officer to deal with public engagement, linking to the community emergency plans and 'Ready for Anything' programme, and proposals to run a 'walk-through' exercise on 25 November.
- Noted the Executive Member's comments regarding the need for transparency at every stage and to ensure that information was accessible by collating it in one place, for example via links to the minutes of these decision sessions.

The Executive Member thanked council officers for their speedy response to the flash flood in Fishergate on 23 August. Officers reported that Yorkshire Water were looking into whether inadequate pipe sizes may have contributed to the flooding. A link to the Council's plans for improvements to gully cleaning was requested for the minutes and can be found here:

<http://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=4710>

Resolved: (i) That the update report and the information provided by the Environment Agency (EA) at the session be noted.

Reason: To confirm that the Executive Member is updated on the progress of the flood risk management works programmes in York and is able to provide advice to

ensure that wider links and opportunities are considered and built into the process.

(ii) That information on the following be included in the next quarterly update:

- scientific evidence detailing potential approaches for new telemetry, monitoring and forecasting that can be used to support catchment scale flood risk interventions (action 2 in Annex 2)
- work being carried out to identify changes to the location of Silver Command in future flood events (action 31);
- work being done by Category 2 Responders (the utilities) to ensure the recommendations in the York Flood Inquiry and the National Flood Resilience Review have been considered and auctioned;
- information detailing the EA's proposals for each flood cell across the city and the methodology used to identify these measures, to be considered alongside the programmes requested in the body of the report.

Reason: To ensure that the update addresses issues raised by the Executive Member at the session.

Cllr A. Waller, Executive Member
[The meeting started at 5.30 pm and finished at 6.30 pm].

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Written response to questions submitted regarding progress on the use of demountable flood defences in the Clementhorpe area

Environment Agency:

The defence work at Clementhorpe needs careful consideration and design. A demountable defence solution is complicated due to the presence of underground services and further understanding is needed of how adjacent riverside buildings will link in with the defences to provide a consistent and effective line of defence. The outline design is currently being developed and formal engagement will commence in November 2018; however, we welcome views from anyone at any time via yorkfloodplan@environment-agency.gov.uk.

The North Street hub will also be open in early November, providing an opportunity for further contact with anyone interested in our work across the city. Information will also be made available via newsletter and social media. The Clementhorpe business case will be finalised by March 2018 and construction will commence in autumn 2018.

City of York Council:

Regarding the existing flood defence procedures for the Clementhorpe area, a demountable flood defence has been placed at the end of Clementhorpe by City of York Council Highways operatives to prevent flood water passing into the Clementhorpe area. The defence is constructed from 1 tonne sandbags, which reduce the impact of flooding from all but the largest events. The defence is constructed when river levels are predicted to rise 4.0m or more above summer level. Work commences at 3.6m above summer level and pumping is needed behind the defence to ensure water does not build up from the surface water system. The pumps are removed and the defence is allowed to naturally overtop in any flood events of 4.6m above summer level or greater.

Flood warning and evacuation plans would be invoked to manage any escalating situation. A risk assessment carried out following the 2012 flood event informed this; the defence was constructed higher in 2012 and significant resource was needed to pump behind the defence. However, this presented unacceptable dangers to operatives and residents if the defence were to suddenly fail; a slow overtopping and ingress into the area behind the defence presents less risk. This

approach was communicated to residents at an event at Clementhorpe Community Hall in on the 4th November 2014.

The Clementhorpe area is not considered to be at high risk of flooding with the current temporary defence arrangement managing a wide array of flood events, though it is accepted that the overall frequency of severe flood events had increased in recent years.



Decision Session – Executive Member for the Environment

02 October 2017

Report of Assistant Director, Customer & Digital Services

Update Report on action to mitigate risk of fire at City of York Council following Grenfell Tower fire**Summary**

- 1) This report provides an update of the work undertaken to mitigate the risk from fire following the Grenfell Tower fire as requested by the Executive Member for the Environment at his decision session on 3rd July 2017.

Recommendations

- 2) The Executive Member is asked to note the ongoing work to reduce the risk from fire and the council's response to managing and responding to those risks.

Reason: To ensure the Executive Member and residents are assured that the council has proper arrangements in place for managing and responding to the risk from fire.

Background and Summary Conclusions

- 3) Following the Grenfell Tower fire on 14th June 2017 public concern regarding the risk from fire has been substantial. However the council has been actively managing fire risk for a substantial period of time. CYC operate a fire safety management regime in line with the Regulatory Reform (Fire safety) Order 2005 (RRO). All social housing, general needs, sheltered housing, hostels, and older persons housing blocks and schemes have had a fire safety risk assessment, as have schools and other corporate properties.
- 4) A report on the activity of Housing Services was considered and noted by the Health, Housing and Social Care Scrutiny Committee held on 13th September 2017. The information contained in that report is reflected in paragraphs 5 to 15 below.

- 5) There are a total of 592 communal areas that fall under the RRO – all, except two where the council have been unable to gain access, have had a FRA. This includes 70 blocks identified, which had not previously been flagged in the council's asset management system as having communal areas. However, all of these areas have now been assessed. All urgent remedial actions have been completed, and any non-urgent actions are being addressed through a remedial works programme.
- 6) The council has completed a requested survey regarding fire safety in tower blocks from the Department of Communities and Local Government (DCLG) and were able to report that CYC had no blocks over 18m and no CYC homes had Aluminium Composite Material (ACM) type cladding. Subsequent reports to the Local Government Association (LGA) have been made outlining the same position. Assurances have also been provided around CYC schools and corporate buildings. A separate response was also made in relation to buildings in, or about to go through the council planning process.
- 7) In terms of action taken to communicate with residents on fire safety risk following Grenfell:
 - All tenants and leaseholders have been written to providing assurance about the fire safety of their homes. A press release was issued regarding CYC's response to issues and concerns raised by the Grenfell Tower fire.
 - The Director of Health, Housing and Adult Social Care was also interviewed by local radio.
- 8) In addition three detailed briefings were provided for Councillors covering information across the council's housing stock, schools, the university, and buildings in the private sector.
- 9) Senior managers and staff from Housing and Health and Safety service met to formulate an action plan following the tragic events. The action plan will have been considered by the Housing & Community Safety Senior Management Team for approval on 28th September 2017. The action plan relates to two distinct themes, ensuring compliance with fire safety regulations and ensuring all tenants, residents, and staff understand what to do in the event of a fire occurring.
- 10) Fire risk assessments (FRA) were commissioned in June 2017 and were completed in July 2017 on 70 blocks that had previously not been flagged as having communal areas that fell under the requirements of the RRO. Any immediate and urgent actions were then undertaken. A particular issue was keeping communal areas clear of obstruction and or fire hazards. These blocks were identified following a data review undertaken

as part of a wider review of fire safety management which was ongoing prior to Grenfell.

- 11) A schedule has been produced for the outstanding FRA reviews which prioritises those property types most at risk; i.e. converted houses/flats; sheltered and older persons housing and hostels; and blocks where fire incidents have previously occurred. There will be more intrusive assessments to check the compartmentalisation (fire spread prevention measures e.g. between floors or rooms of a building) between properties where void properties become available in the blocks where reviews are due to be carried out. This work will be carried out by appropriately qualified fire risk contractors.
- 12) With regard to the outstanding 307 reviews, these are reviews of fire risk assessments that are not of the same standard of recent FRA's and are up to three years old. The requirement within the RRO is a regular review and is not specific, however three years is the CYC recommendation for review of properties of this type. Housing staff have been trained to identify and report any fire issues in the interim time. An appropriate framework contract has been identified by a procurement consortium to secure contractors to deliver this programme of assessment reviews. The initial estimate is that this will allow commencement of the review programme in November 2017 and completion by March 2018.
- 13) A corporate fire policy exists and, in association with Health and Safety, a separate social housing specific fire safety strategy has been drafted, which along with the action plan was to be discussed by the Housing and Community Safety Senior Management Team on 28th September 2017.
- 14) Through the modernisation programme (Tenants Choice) the council has installed hard wired detectors to approximately 5000 of its 7,700 homes. Prior to this programme, battery operated detectors were fitted to the majority of homes but records of these were not kept. To fill this gap an accelerated programme to install smoke detectors is in development to ensure the remainder of the properties have a detector. To assist in this process there are discussions with North Yorkshire Fire & Rescue Service regarding a proposal to put a joint project in place to install lithium (10 year) battery operated detectors in these properties as an interim measure.
- 15) A regular programme of scheme/block inspections will be carried out by Housing Management Officers, which whilst aimed at reviewing all aspects of the physical environment around blocks, also looks to identify any problems with obstacles or stored belongings in hallways/entrances /stairwells and other communal areas. Building Services, Health & Safety and Housing teams, will be coordinating this work alongside the FRA programme; and it will provide an important 'heads-up' function to identify

any major issues that could impact on residents ability to exit blocks in the event of a fire, or on the overall fire integrity of the block.

- 16) The Executive Member will be aware the public inquiry has commenced into the events at Grenfell. There is also an independent review of Building Regulations and Fire Safety is being led by Dame Judith Hackitt. The review will urgently assess the effectiveness of current building and fire safety regulations and related compliance and enforcement issues, with a focus on multi occupancy high rise residential buildings. This will include addressing whether the government's large-scale cladding system testing programme identified any potential systemic failures.
- 17) Two key priorities of this latter review are to develop a more robust regulatory system for the future, and the provision of further assurance to residents that the buildings they live in are safe and remain safe. Whilst the review will cover the regulatory system for all buildings, it will have a specific focus on multi occupancy high rise residential buildings.
- 18) In terms of assurances that can be given on whether non-council owned high rise residential buildings in York meet existing and future fire safety building regulation, the picture is unclear as the council is not the only provider of building regulation services. Currently CYC supervises 60% of construction within the authority boundary with 40% being provided by private service providers (Approved Inspectors (AIs)). This means that on approximately 40% of developments, CYC will not have access to any constructional information, and therefore can provide no assurances about fire safety regulations in place, if they are not the appointed building regulation service provider. Approximately 10 -15 different AI companies work within council's area at any given time, each providing differing interpretations of the building regulations. The council could consider whether it should contribute to the Hackitt review in light of this issue.
- 19) The review will report jointly to the Communities Secretary and Home Secretary. An interim report will be submitted in autumn 2017 and a final report submitted in spring 2018. The Review will co-operate fully with the Public Inquiry, and Dame Judith Hackitt will review her recommendations in the light of the findings of the Inquiry.
- 20) The regional Local Government fire safety sub group, attended by fire safety professionals from councils across the North, met shortly after the Grenfell Tower fire to compare responses to this tragic event. The meeting gave particular consideration the use of sprinkler systems, and noted that the majority of group members are now planning to, or have already installed, sprinklers or misting systems to sheltered and care home accommodation. The aim being to reduce the risks of fire ignition, and limit any consequential impacts on resident safety and property. The meeting concluded that regardless of current regulatory guidance

regarding the use of sprinklers, members should confirm their individual policy positions regarding the provision of sprinklers for stock under their management.

- 21) Officers will monitor any regulatory changes or guidance introduced by the government arising out of this review to determine if the council needs to make changes to how it manages fire risk across its property portfolio.

Consultation

- 22) Officers from Housing Services and Building Control have been consulted in the drafting of this report.

Options

- 23) There are no options in this report given that the recommendations are to note the content only.

Analysis

- 24) All information is contained in the body of the report.

Council Plan

- 25) Outcomes achieved by the activities covered in this report help to deliver priorities in the Council Plan 2015/19 in support of 'A prosperous city for all' in providing safe homes for residents.

Implications:

- 26)
- a. **Financial:** The cost of the additional work will be contained with existing budgets.
 - b. **Human Resources (HR):** None
 - c. **Equalities:** None
 - d. **Legal:** The content of this report contributes to evidence that the council is complying with the Regulatory Reform (Fire Safety) Order 2005.
 - e. **Crime and Disorder:** There are no crime and disorder implications to this report.
 - f. **Information Technology (ICT):** None

g. Property: None

h. Other: No known other implications.

Risk Management

27) The controls and evidence in this report mitigate/minimise risks associated with fire in homes.

Contact Details Author:

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Chief Officers Responsible for the report:

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Ian Floyd
Director of Customer & Corporate Services
Tel No. 01904 552909

Report Approved

Date 21/09/17

Specialist Implications Officer(s)

No specialist implications

Wards Affected: *List wards or tick box to indicate all*

All

Background Papers:

Report and decision record from Executive Member for Environment Decision Session on 3rd July 2017. The report can be found [here](#).

Report from Health, Housing and Social Care Scrutiny Committee on 13th September 2017. The report can be found [here](#).

List of abbreviations used in this report:

| | |
|------|--|
| RRO | Regulatory Reform (Fire safety) Order 2005 |
| ACM | Aluminium Composite Material |
| CYC | City of York Council |
| H&S | Health & Safety |
| DCLG | Department of Communities and Local Government |
| FRA | Fire Risk Assessment |
| LGA | Local Government Association |
| AI | Approved Inspectors |

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