



Notice of a public

Decision Session - Executive Member for Environment and Climate Change

To: Councillor Widdowson (Executive Member)

Date: Wednesday, 7 July 2021

Time: 3.00 pm

Venue: The Snow Room - Ground Floor, West Offices (G035)

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 **4:00 pm on Friday 9 July 2021**.

*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 and Corporate Services Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00 pm on Monday 5 July 2021**.

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 she might have in respect of business on this agenda.

2. **Minutes**

(Pages 1 - 4)

To approve and sign the minutes of the Decision Session held on Wednesday 5 May 2021.

3. **Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is **5:00pm on Monday 5 July 2021**.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill out an online registration form. If you have any questions about the registration form or the meeting, please contact the relevant Democracy Officer, on the details at the foot of the agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this public meeting will be webcast including any registered public speakers who have given their permission. The public meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Restricting the use of Sky Lanterns on Council Property (Pages 5 - 20)

The Executive Member will consider a report which sets out the considerations and makes recommendations on an approach to restrict the use of sky lanterns on City of York Council owned/controlled property.

5. Urgent Business

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

Democracy Officer: Joseph Kennally
Telephone No- 01904 551573
Email- joseph.kennally@york.gov.uk

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 میا کی جاسکتی ہیں۔ (Urdu)

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City of York Council

Committee Minutes

Meeting	Decision Session - Executive Member for Environment and Climate Change
Date	5 May 2021
Present	Councillor Widdowson

28. Declarations of Interest

The Executive Member was asked to declare, at this point in the meeting, any personal interests not included on the Register of Interests or any prejudicial or discloseable pecuniary interest that she might have in respect of the business on the agenda. None were declared.

29. Minutes

Resolved: That the minutes of the Decision Session held on Wednesday 7 April 2021 be approved and signed by the Executive Member as a correct record.

30. Public Participation

It was reported that there had been 1 registration to speak at the session under the Council's Public Participation Scheme.

Mr Robert Gordon spoke on the York Tree Canopy Expansion Target report, thanking the Executive Member and officers for their work on then item and detailing the positive environmental and health effects of increased canopy coverage. Mr Gordon also expressed concern that the current target of 13% was unambitious and suggested an alternative target of 15% which he believed achievable. The importance of preserving existing trees was also emphasised, especially those not a part of woodland areas.

In response, the Executive Member stated that the current target of 13% was not concrete, and where possible and practical the Council would seek to exceed said target.

31. York Tree Canopy Target

The Executive Member received a report which provided analysis of an appropriate tree canopy expansion target for York, which will contribute towards the city's net zero carbon ambition, biodiversity and air quality.

During discussion of the item, officers:

- Explained that the current tree canopy coverage stood at 10.76% and that in order to increase this figure to 13% by 2050, 10,000 new trees would need to be planted each year.
- Noted that the 50,000 trees planted by 2023 as part of York Community Woodland would aid in progress towards the target.
- Encouraged local individuals, communities and organisations to contribute towards the city's target by planting trees of their own

The Executive Member:

- Thanked officers for their report.
- Emphasised York's tree canopy expansion as part of the wider White Rose Forest Partnership and the role that increased canopy coverage will play in flood alleviation for York.

Resolved:

- (i) That a 13% target for tree canopy cover in York by 2050 be approved.

Reason: Increasing the tree canopy cover to 13% from the current level of 10.76% will produce carbon sequestration, biodiversity and health benefits. A target of 13% is achievable when balanced against the capacity for tree planting within the unique landscape and setting of York.

- (ii) That it is acknowledged that this target will form part of a wider ambition for the White Rose Forest across the region.

Reason: The regional ambition will be published in a report by WRF on 1 August 2021.

32. York 5 Year Flood Plan Update

The Executive Member considered a report which provided an update on the York Five Year Flood Plan and sought feedback on its content. Ben Hughes, Partnerships and Strategic Overview Manager – North Yorkshire of the Environment Agency joined officers in presenting the report.

During discussion of the item, officers:

- Highlighted the ongoing work at Germany Beck, which is one of the flood schemes within a wider Environment Agency led programme. Depending on the advice of engineers, construction may begin in Autumn 2021 or early 2022.
- Gave details on the Innovative Flood Resilience Programme, which has received 6 year's funding from the Department for Environment, Food and Rural Affairs and is centred on developing natural flood management systems in the Swale, Ure and Nidd river catchment areas and seeks to co-ordinate upstream and downstream flood management.
- Referred to Annex 1's details on the ongoing flood defence projects across the city in Clementhorpe, Bishopthorpe, Lendal Bridge, St George's Field and elsewhere.
- Explained that Annex 2 breaks down £102 million total funding for York's flood defence and described the priority scoring system used to determine funding usage.
- Noted that a business case can be made to claim back the additional costs which have been caused by the Covid-19 pandemic in the last 12 months.

The Executive Member:

- Thanked officers for their report and work on improving York's flood defences.
- Expressed the need to emphasise partnership work in order to reach solutions as soon as possible.

Resolved:

- (i) That the contents of the updated report and the evidence presented by the Environment Agency in the session be noted.

Reason: To enable the Executive Member to receive the York 5 Year Flood Plan Update and to have the opportunity to provide feedback on all content.

Cllr P Widdowson, Executive Member

[The meeting started at 3.04 pm and finished at 3.23 pm].

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**Decision Session – Executive Member for
Environment and Climate Change****7 July 2021**

Report of the Director of Governance
Portfolio of the Executive Member for Environment and Climate Change

Restricting the use of Sky Lanterns on Council Property**Summary**

1. Executive asked for consideration of how sky lanterns could be banned from City of York Council owned/controlled property. Following a review, this report sets out the considerations and makes recommendations on an approach to restrict the use of sky lanterns.

Recommendations

2. The Executive Member is asked to:
 - 1) Approve the policy statement included in paragraph 17 and request that officers take forward the necessary actions to implement it.

Reason: to reduce the environmental risks of sky lanterns within York and its surrounding area.

Background

3. There is widespread evidence of the risks that sky lanterns (sometimes known as Chinese Lanterns) pose to the environment, both as a fire hazard and because of the remains of the lanterns themselves. They are typically paper or plastic canopies with a wire or plastic frame supporting some accelerant which is set alight. The lanterns are then released into the air, with no control as to where they land. They can travel in excess of 5 miles, depending on conditions.
4. If the lanterns land whilst still alight, there is a clear fire hazard particularly in rural areas in summer, when the ground may be dry. There

is a risk to wildlife and livestock who can ingest the lantern remains with potentially fatal consequences.

5. We are not aware of any specific incidents being reported in respect of sky lanterns in York, apart from the potential risks.
6. A growing list of councils have banned their use across the country, although the nature and scope of these bans varies. There is no national ban currently and they are not covered by littering regulations.
7. There is national lobbying by some MPs for a national ban.
8. Internationally, sky lanterns are broadly banned in Germany, Austria, Argentina, Chile, Columbia, Spain, Vietnam, Brazil and Australia.
9. North Yorkshire County Council passed a motion in February to ban sky lanterns and helium balloons being used on land owned or controlled by the council. This ban followed extensive scrutiny work and evidence gathering from partners including NFU and North Yorkshire Fire and Rescue Service.
<https://edemocracy.northyorks.gov.uk/documents/s2955/Report%20of%20the%20Corporate%20and%20Partnership%20Overview%20and%20Scrutiny%20Committee%20on%20the%20Notice%20of%20Motion%20on%20t.pdf>
10. It is highly likely that the issues discussed through this exercise apply similarly to York, especially given the likelihood of lanterns drifting across local authority boundaries.
11. At present, there is no legal basis to prevent the release of sky lanterns from private or public land. York's byelaws do not cover sky lanterns. Developing new, or revising existing, byelaws would take at least a year to come into enforceable effect.
12. It is not possible to add restrictions into existing tenancy agreements/leases without a highly complex process of renegotiating individual tenancy agreements/leases, since legislation prevents landlords retrospectively amending tenancy agreements/leases unilaterally without the consent of the relevant respective tenant(s). This would require an unfeasibly large amount of resource.
13. For activities requiring approval such as events, contracts could include the requirement that no sky lanterns are released. Make it York are the

licence holders for most outdoor spaces owned or managed by the council (footstreets, Tower Gardens, the Knavesmire, Rowntree Park etc.) and so it would be for them to include this in events contracts.

Consultation

14. The potential for restrictions have been discussed with officers across the council to gauge how feasible this might be.
15. It has also been recognised that sky lanterns may have cultural significance to differing ethnic groups and nationalities, so York Racial Equality Network has been asked for any information they might have on this so that any communications can be tailored accordingly.
16. Make it York have provided confirmation that a restriction could be included in their events contracts.

Options

17. The **recommended** approach is that the Executive Member approves the following policy statement.

“City of York Council has banned the release of sky lanterns from its land.

We are committed to encouraging businesses, communities, landowners, schools, residential homes and individuals to switch to alternative ways of celebrating and commemorating events.

City of York Council has pledged to:

- *Promote the restriction of the release of sky lantern on property and land owned by the Council. This includes those that are made from bamboo or claim to be biodegradable.*
- *Ask all Parish and Town Councils within York to ban the release of sky lanterns on Parish or Town Council land.*
- *Incorporate the ban into all future residential tenancy and land lease agreements.*
- *Ban the use of sky lanterns in any council-approved events.*
- *Proactively engage with businesses, landowners, schools, residential homes, council tenants, social housing providers, charities and community groups, to raise awareness of safer and more environmentally friendly alternatives that people can celebrate with, through promotion and campaigns. “*

18. The Council would then include a restriction on sky lanterns within future residential and commercial tenancy agreements/leases. It would also be included in the approval process for events on Council owned land, through the Events Safety Advisory Group and within Make it York Events contracts.
19. Subject to any further information on the cultural significance of sky lanterns for different groups of people, information on the restriction and possible alternative ways to celebrate would be included on the council's website.

Analysis

20. The effect of this policy approach would be to limit the impact of a ban to future tenancies and council-sanctioned events. It would not be possible to stop the use of lanterns on other public open space, although it could be discouraged and alternatives promoted.
21. It is not possible to enforce a wider ban without the development of new enforcement frameworks, such as byelaws. Whilst this could be done, it would take significant time and resource in development and ongoing enforcement. Without evidence of a significant issue within the city, this use of resource would be difficult to justify. Using the existing powers of the council, through events approval and future tenancy/lease agreements strikes the balance between impact and resource required.
22. Overall, it is considered that there is unlikely to be any serious impacts on individuals through such a ban, other than a minor limitation on individuals' freedom to launch sky lanterns. This is considered to be justifiable in the prevention of the adverse environmental impacts of sky lanterns.

Council Plan

23. The proposed restrictions support the council's efforts to create a Greener and Cleaner City.

Implications

- **Financial** – there are no direct financial implications.
- **Human Resources (HR)** – there are no direct implications
- **One Planet Council / Equalities** – an Equalities impact assessment is included at Annex A.

- **Legal** – the proposed approach does not have any legal implications apart from the addition of a restriction in future tenancy agreements. Legal Services have confirmed this is relatively simple to do.
- **Crime and Disorder** – the proposal does not directly change the enforcement required, with the restriction being done via contractual means.
- **Information Technology (IT)** – no implications
- **Property** – Future tenancy and lease agreements would include a restriction on the release of Sky Lanterns.

Risk Management

8. There are no known risks with this recommendation.

Contact Details

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and City Partnerships
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Chief Officer Responsible for the report:

Chief Officer's name
Janie Berry
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Director of Governance

Report **Date** [29/06/2021]
Approved

Specialist Implications Officer(s) List information for all

Financial:- N/A

Name

Title:

Tel No.

Legal:-

Name: Jenna Pengilley

Title: Senior Legal Officer

Email: jenna.pengilley@york.gov.uk

Wards Affected: [List wards or tick box to indicate all]

All

For further information please contact the author of the report

Annexes

Annex 1 – Equalities Impact Assessment

City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Governance		
Service Area:	Corporate Policy and City Partnerships		
Name of the proposal :	Restricting the use of Sky Lanterns on Council property		
Lead officer:	Will Boardman		
Date assessment completed:	28/06/2021		
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise

Step 1 – Aims and intended outcomes

1.1	<p>What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.</p>
	<p><i>The proposal is to ban the use of sky lanterns on council-owned land, in response to the environmental risks they pose.</i></p>
1.2	<p>Are there any external considerations? (Legislation/government directive/codes of practice etc.)</p>
	<p><i>There are no external considerations</i></p>
1.3	<p>Who are the stakeholders and what are their interests?</p>
	<p><i>The ban will apply to all new tenancies and land lease agreements and for council-approved events. Stakeholders are therefore anyone who would normally have released sky lanterns under these conditions.</i></p>
1.4	<p>What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.</p>
	<p><i>We want to ensure that the environmental risks of sky lanterns are prevented as far as is practicable from council land.</i></p>

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Step 2 – Gathering the information and feedback

2.1	What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.	
	Source of data/supporting evidence	Reason for using
	Any information sought from York Racial Equality Network	We have asked if they are aware of any cultural sensitivities for any religious/ethnic/national groups, which may require additional communication or engagement.

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.		
Gaps in data or knowledge		Action to deal with this	
Awaiting response from York Racial Equality Network		We are expecting feedback following their board meeting on 28/06/21	

Step 4 – Analysing the impacts or effects.

4.1	Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.			
Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)	
Age	No impact	0		
Disability	No impact	0		
Gender	No impact	0		
Gender Reassignment	No impact	0		
Marriage and civil partnership	No impact	0		

Pregnancy and maternity	No impact	0	
Race	No impact yet identified	?	
Religion and belief	No impact yet identified	?	
Sexual orientation	No impact	0	
Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	No impact	0	
Low income groups	No impact	0	
Veterans, Armed Forces Community	No impact	0	
Other	No impact	0	
Impact on human rights:			
List any human rights impacted.	No impact	0	

Use the following guidance to inform your responses:

Indicate:

EIA 02/2021

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p>High impact (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p>Medium impact (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p>Low impact (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?
No adverse impact identified. Communications will be tailored for any groups identified for who sky lanterns have a particular cultural relevance.	

Step 6 – Recommendations and conclusions of the assessment

6.1	Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:
- No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.	

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

Option selected	Conclusions/justification
No major changes required	No detrimental impacts identified.

Step 7 – Summary of agreed actions resulting from the assessment

7.1 What action, by whom, will be undertaken as a result of the impact assessment.			
Impact/issue	Action to be taken	Person responsible	Timescale

Step 8 - Monitor, review and improve

8. 1	<p>How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?</p>
	<p>Any further intelligence from community groups will be considered and responded to appropriately.</p>