

Meeting	Decision Session - Executive Member for Environment and Climate Change [previously Executive Member for Environment]
Date	11 November 2019
Present	Councillor Widdowson

10. Declarations of Interest

The Executive Member confirmed that she had no personal interests not included on the Register of Interests, nor any prejudicial or discloseable pecuniary interests, to declare in the business on the agenda.

11. Minutes

Resolved: That the minutes of the Decision Session held on 7 October 2019 be approved and signed by the Executive Member as a correct record.

12. Public Participation

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

Cllr Warters, Member for Osbaldwick & Derwent Ward, spoke on Agenda Item 5, Graffiti Removal Policy. He highlighted some gaps within the policy and felt that it should contain a preventative strategy and an enforcement policy. He addressed the difficulties in the current arrangements for reporting graffiti on street telecoms cabinets and would welcome a service level agreement between the Council and the telecoms companies to enable a more simple and effective reporting system.

A written representation was also received from Mr Galloway regarding Agenda Item 5, Graffiti Removal Policy. He welcomed the proposed enhancement of the graffiti removal service but felt that the report failed to address two important aspects of the problem, enforcement and preventative measures.

13. Air Quality - Annual Status Report 2018

The Executive Member was asked to consider a report that detailed the continuing improvements in air quality monitored across York and the progress on delivering the measures in York's Third Air Quality Action Plan (AQAP3) to deliver further improvements. As a result of these improvements, the Executive Member was recommended to revoke the current Air Quality Management Area (AQMA) in Fulford whilst retaining the current air quality monitoring network there.

The Assistant Director of Economy and Place and the Public Protection Manager gave an update on the air quality in York following submission of the Annual Status Report to the Department of Environment, Food and Rural Affairs (DEFRA) in June 2019. They confirmed that air quality was improving across York and that:

- The concentrations of NO₂ monitored in Fulford over the last 2 years had not exceeded 35.3µg/m³.
- The concentrations of NO₂ monitored in Salisbury Terrace AQMA continued to remain well below the health based annual mean objective of 40µg/m³.
- The annual mean NO₂ concentrations monitored at all but one real-time monitoring station, around the inner ring road, either decreased or remained the same apart from Gillygate, where annual mean concentrations of NO₂ had increased by 7.8%.
- The city centre AQMA would be extended to include Coppergate and the breaches of the short-term hourly objective along George Hudson Street/Rougier Street/Bridge Street would be removed, based on recent monitoring results in this area.
- National air quality objectives for Particulate Matter (PM₁₀) were currently met at all monitoring locations in York and health based objectives levels for fine particulates (PM₂₅) had not yet been set for local authorities but were well within the EU limit value.
- The World Health Organisation (WHO) Air Quality Guidelines were currently under revision and would be published in 2020.

The Executive Member noted the actions, priorities and challenges going forward and she welcomed the improvements made across the city.

She thanked officers for their report and

Resolved:

- (i) That the contents of the report be noted, including the continuing trend in air quality improvements in York.
- (ii) That the decision to revoke the Fulford Road Air Quality Management Area (Order No. 2) (subject to any comments by Department of Environment, Food and Rural Affairs (DEFRA)), be approved.

Reason: Concentrations of Nitrogen dioxide (NO₂) monitored in the Fulford Air Quality Management Area (AQMA) remained well below the health based objective in 2018. Annual mean concentrations of nitrogen dioxide monitored in this area have not exceeded 35µg/m³ in the last 2 years (the objective level is 40µg/m³).

14. Graffiti Removal Policy

The Executive Member considered a report that sought approval of a graffiti removal policy and agreed set of parameters and expectations for the team to operate within.

The Assistant Director of Transport, Highways and Environment and the Head of Highways and Fleet were in attendance to give an update and they confirmed that the supplementary budget, approved by Full Council, had provided additional funding to extend the removal of graffiti to private property. They highlighted the proposed policy and procedures regarding the new graffiti removal service and confirmed that:

- Enforcement action was not within the purview of the Assistant Director of Transport, Highways and Environment or within the Executive Members portfolio but the Council had, in exceptional circumstances, enforcement powers.
- Written consent must be received from the property owner before removing graffiti from private property, however if the property owner refused to give such consent and declined to remove the graffiti

themselves, the Council had statutory powers to serve a notice on the owner requiring them to remove graffiti classified as offensive and could enter the land, remove the graffiti itself and recover the cost of doing so from the owner, if the owner did not comply with such notice.

- Graffiti could only be removed from a surface on which graffiti wipes or a specialist pressure washing system could remove it and in some instances, it would be necessary to paint over the graffiti.
- Graffiti removal was offered free of charge to domestic properties and would cost commercial/industrial properties including utility companies/public bodies and other service providers £57m2.
- The ability to remove graffiti and the method used would be assessed on a case by case basis taking the health and safety of the operatives undertaking the work and the potential damage to properties into account.

In answer to the Executive Members questions regarding statutory undertakers, officers agreed to discuss the Councils statutory powers with the enforcement team and consult with the statutory undertakers regarding a service level agreement that would permit the Council to improve the current process of reporting, monitoring and removing graffiti from telecoms cabinets.

The Executive Member noted the proposed charging structure and thanked officers for their report.

Resolved:

- (i) That the Graffiti Policy be approved, and the set of parameters and expectations for the team to operate within be agreed.
- (ii) That the use of a consent form for signing by property owners for graffiti removal from private property be noted. Without written consent from the property owner, City Of York Council would not remove graffiti from private

property (except where, in exceptional circumstances, the Council may have chosen to serve a notice on the owner requiring removal of offensive graffiti using statutory powers and the owner has not complied with such a notice).

- (iii) That the proposed charging structure, which will be built into the fees and charges for consideration in budget setting, be noted.
- (iv) That officers be requested to consult with the statutory undertakers regarding a service level agreement that would improve the current system of reporting, monitoring and removing graffiti from telecoms cabinets and discuss the Councils statutory powers with the enforcement team.

Reason: To give effect to the Council decision to fund graffiti removal from private property.

Cllr Widdowson, Executive Member
[The meeting started at 5.30pm and finished at 5.43pm].

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