



## Notice of a public meeting of

### Decision Session - Executive Member for Environment

**To:** Councillor Waller (Executive Member)

**Date:** Monday, 9 May 2016

**Time:** 5.30 pm

**Venue:** The Craven Room - Ground Floor, West Offices (G048)

### 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 11 May 2016**.

\*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 Corporate and Scrutiny Management Policy and Scrutiny Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00 pm on Thursday 5 May 2016**.

#### **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 - 2)  
To approve and sign the minutes of the decision session held on 4 April 2016.

- 3. Public Participation**  
At this point in the meeting, members of the public who have registered their wish to speak at the meeting can do so. The deadline for registering is at **5.00 pm on Friday 6 May 2016.**

Members of the public may register to speak on an item on the agenda or an issue within the Executive Member's remit.

**Filming, Recording or Webcasting Meetings**

Please note this meeting may be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

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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:

[https://www.york.gov.uk/downloads/file/6453/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_council\\_meetingspdf](https://www.york.gov.uk/downloads/file/6453/protocol_for_webcasting_filming_and_recording_council_meetingspdf)

- 4. Steps Towards a Single Health & Safety Organisation** (Pages 3 - 10)  
This report provides the Executive Member with an update on the current position of the City of York Council Health and Safety Service.
- 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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Email- catherine.clarke@york.gov.uk/louise.cook@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

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Meeting	Decision Session - Executive Member for Environment
Date	4 April 2016
Present	Councillor Waller

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## **28. Declarations of Interest**

At this point in the meeting, the Executive Member was asked to declare any personal, prejudicial or pecuniary interests he may have in the business on the agenda. None were declared.

## **29. Minutes**

Resolved: That the minutes of the last Environment Decision Session held on 7 March 2016 be approved and signed by the Executive Member as a correct record.

## **30. Public Participation**

It was reported that there were no registrations to speak under the Council's Public Participation Scheme.

## **31. Contaminated Land Strategy Review**

The Executive Member considered a report that sought approval for the adoption and publication of the updated Contaminated Land Strategy.

Officers gave an update and confirmed:

- the council has a statutory legal duty to ensure that its contaminated land strategy was kept updated and that potentially contaminated sites were inspected.
- the strategy was last revised in 2010 and must be modified at least every five years, inline with statutory guidance, to ensure it remained up to date and relevant.
- the main updates related to legislation and guidance.
- York had 3,690 potentially contaminated sites that had been identified and were being assessed in priority order.

The Executive Member noted that of the 3,690 potentially contaminated sites, 88 had been categorised as Category A (high priority), where there was a high risk of an unacceptable impact on people or the environment, and that:

- 13 sites had been inspected under Part 2A where 9 of these required Phase 2 investigations.
- 20 sites had already been, or would soon be, investigated through the planning regime (including Heworth Green gasworks, York Central and British Sugar).
- 49 sites were currently in use as industrial/commercial premises and no further action was required at present and
- 6 sites had not yet been inspected.

In answer to the Executive Members questions officers confirmed:

- They would not be reviewing sites to the most relevant guidance if the strategy was not updated, which could potentially put people and the environment more at risk, and the council could also be challenged legally for not using the most pertinent version.
- They had not inspected the 6 Category A sites due to the withdrawal of the contaminated land capital grants programme in April 2014 and currently the sites showed no significant risks to the public or the environment but should the land usage change officers would intervene.
- They also identified new or changes to the usage of contaminated sites through the planning system and could add conditions onto the planning development.
- That the Environment Agency would be responsible for any pollution caused by fracking.

The Executive Member thanked officers for their report.

Resolved: That the updated contaminated land strategy be approved and a review be undertaken at least every five years.

Reason: This will fulfil the council's legal duties to update the contaminated land strategy and to inspect potentially contaminated sites.

Cllr Waller, Executive Member

[The meeting started at 5.30 pm and finished at 5.40 pm].



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**Executive Member for the Environment**

9 May 2016

Report of Assistant Director of Customer &amp; Business Support Services

**Steps Towards a Single Health & Safety (H&S) Organisation****Summary**

- 1 This report provides the Executive Member with an update on the current position of the City of York Council (CYC) Health and Safety (H&S) Service for information.
- 2 To ensure resilience and best use of resources staff need to start working as one workforce so resources and skills can be moved across both services. The Executive Member is asked to endorse the recommendation to second the current five staff members from CYC H&S Team to North Yorkshire County Council (NYCC).
- 3 The report confirms that this arrangement would be short term to last no more than a year. During this time an options paper and business case will be developed for Executive to consider which will seek to establish a formally constituted shared organisation with the options around the various service delivery models available to do so consistent with the council's Future Shape and Size work.

**Recommendations**

- 4 The Executive Member is asked:
  - (i) to note the progress of closer working between NYCC and CYC H&S Teams operating under a single Head of H&S.
  - (ii) that, given the inter-authority arrangements relating to the management of H&S, to endorse the secondment of five employees from the CYC H&S team to NYCC to ensure resilience and best use of resources, while noting that staffing matters are normally agreed by chief officer.

Reason: To ensure the Executive Member and residents are informed of the CYC/NYCC approach to ensuring the H&S services are resilient and are better able to support the two organisations.

## Background

- 5 The post of H&S Manager at CYC was recently vacant and the service needed to find a saving in 2014/15 of £25k consequently the decision was taken to appoint a Shared Head of H&S with NYCC. This arrangement has been working well and a further saving of £47k in 2016/17 has been identified from the H&S service through efficiency improvements. However it has been identified that any further savings through staffing would be difficult and lead to significant risk in providing H&S assurance for the council.
- 6 The service is provided by a team of highly qualified and skilled individuals at CYC but due to its size there is a need to build service resilience and to maintain an effective and professional internal H&S advisory function. This would be increasingly difficult in the face of problems in covering key staff vacancies and difficulties in being able to respond to changing priorities and increasing workload demands.
- 7 There is also the need to retain skilled and experienced staff by creating greater critical mass and providing more opportunities for career development and specialism. There is also a need to make best use of scarce experienced, professional and knowledgeable H&S in specific areas (for example fire safety, education, construction and social care), particularly where both authorities have encountered difficulties in building sufficient capacity without recourse to expensive external providers.
- 8 The Shared Head of H&S has reviewed the current arrangements for providing H&S services for both councils and also considered the impact of the reduced spending power of each council which are expected to continue to reduce until at least 2020.
- 9 From this review it is apparent that there is:
  - duplication in CYC and NYCC in the provision of H&S services to each council;
  - there are examples good practice, experience and skills within each team;
  - problems in covering key staff vacancies and difficulties in being able to respond to changing priorities and increasing workload demands;
  - both authorities encounter difficulties in recruiting and retaining high calibre H&S professionals;
  - resources at both councils are structured very differently at the same time as having synergies in terms of customer requirements.



10 Aside from increasing pressure to drive out savings and efficiencies the following needs have been identified:

- to build service resilience and capacity across both authorities to maintain an effective and professional H&S function;
- to retain skilled and experienced staff by creating greater critical mass and providing more opportunities for career development and specialism;
- to make best use of the scarce professional H&S expertise available (particularly in property risk, construction and education);
- to further enhance the professional standards of the H&S services in both Councils so as to maintain and develop the effectiveness of the function and comply with legislative and regulatory requirements;
- to maximise potential in improving effectiveness and developing the best of both systems and practices, through a coherent single structure;
- to build on existing trading experience to develop a viable commercial offer.

11 There have already been a number of examples of where each organisation has supported each other in relation to H&S:

- following the resignation of a member of CYC staff, a member of NYCC staff was seconded into CYC on a two month basis to fill the gap to allow for a recruitment exercise to be undertaken;
- CYC/NYCC are working on sharing policies and procedures - the most recent example being developing a consistent approach to undertaking Fire Risk Assessment. A member of CYC staff led on the project with the support of NYCC staff;
- there have been joint training initiatives on issues such as fire risk assessment, safety of water systems and ensuring play equipment in schools is safe;
- CYC staff have undertaken joint visits with NYCC staff to provide development opportunities and improve skills e.g. large civil engineering projects relating to highways, bridges and flood defences;
- CYC is currently working on an online accident reporting system which NYCC is supporting and proposing to invest in for their adoption;
- NYCC staff have supported CYC during periods of unprecedented demand;
- mutual aid and support on educational visits;
- joint Continuing Professional Development (CPD being a mandatory requirement for the senior offices) sessions;
- Sharing resources such as professional literature etc.

## **Benefits of Working as a Single Organisation**

- 12 The benefits of integrating the staff resource as a next step to the development of a single service have been considered and if approved would:
- provide greater resilience and capacity. The combined team would be better placed to manage resource pressures, including staff vacancies and/or unexpected service demands;
  - provide greater flexibility to respond to changing priorities, initiatives and/or new working methods;
  - deliver efficiencies through the sharing of best practice, integrating processes and reducing duplication of effort;
  - demonstrate a positive response to the national and local efficiency and service transformation agendas;
  - achieve economies of scale by sharing overheads and reducing unproductive time whilst maintaining or improving current levels of performance;
  - enhance the focus on service delivery, professionalism and quality such that the combined service is seen as a 'beacon of excellence';
  - increase the opportunities for staff to develop specialist skills and thereby enhancing career opportunities, resulting in greater staff satisfaction and retention;
  - provide greater opportunity to develop H&S specialism and reduce the reliance on and cost of bought-in services (e.g. fire risk assessments);
  - provide a robust shared service model which offers greater opportunity for future collaboration with other Councils in the region, particularly the North Yorkshire districts, and which helps to develop the existing market place;
  - improve succession planning arrangements and a reduced reliance on key members of staff for service continuity;
  - the ability of both Councils to develop common approaches to new and developing initiatives.
- 13 The proposal is to create an informal shared service to simplify and streamline management arrangements by seconding CYC staff to NYCC. NYCC staff and the seconded CYC staff will then deliver services to both councils. The service level and related performance measures will be laid down in a formal Service Level Agreement between CYC/NYCC. These arrangements would be short term to last no more than a year.
- 14 During this financial year an options paper and business case will be presented for Executive to consider in order to establish a formally constituted shared organisation with available options around the various

service delivery models available to do so consistent with the council's Future Shape and Size work.

- 15 This option is the only option for consideration given that the NYCC staff base is considerably larger and would not be efficient for CYC to deliver.

### **Consultation**

- 16 Council Management Team has reviewed and support the changes recommended in this report.
- 17 This report has been circulated for comment to the Trade Unions and feedback taken no fundamental objections to the proposed interim shared arrangements have been received.
- 18 The staff have also been consulted and are aware of the contents of this report.

### **Options**

- 19 There are no alternative options for Recommendation ii) as explained in paragraph 15 above.

### **Analysis**

- 20 All information is contained in the body of the report.

### **Council Plan**

- 21 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', ensuring that as an employer the council sets a positive example of supporting employees to achieve their full potential.

### **Implications:**

- 22 **a. Financial:** The proposals have been discussed with Finance and have very limited financial implications at this time. Existing staff costs and related budgets will remain with CYC which will remain the employer until other more formal arrangements are in place later in the year if approved by Executive.
- b. Human Resources (HR):** HR have been consulted on the implications of the proposals set out in this report and are satisfied with the arrangements as there will be no TUPE arrangements as each employee will remain under the terms and conditions of their

respective Council. Formal secondments agreements will be agreed with each member of the CYC H&S Team. Consultation with staff and relevant trade unions has occurred. The arrangement will last one year whilst more long term proposals are developed.

- c. Equalities:** There are no equalities implications to this report.
- d. Legal:** Legal Services have been consulted on the proposals. The Council has the necessary legal powers to implement the recommended option.
- e. Crime and Disorder:** There are no crime and disorder implications to this report.
- f. Information Technology (ICT):** There are no IT implications for CYC arising from this report. Work is ongoing to develop appropriate H&S management systems so it will be necessary to make arrangements to enable NYCC/CYC staff to use the systems applicable to each Council. This arrangement is already in place for the Shared Head of H&S.
- g. Property:** There are no property implications to this report. It is proposed that the Council would provide fully serviced accommodation to the staff of the interim shared service, keeping with the provision currently made available to NYCC/CYC H&S staff.
- h. Other:** No known implications.

### **Risk Management**

- 23 The proposed collaboration offers an opportunity to deliver efficiencies and economies of scale. The risks of the project due to the limited scope are minimal at this time as the staff will remain with each of their employer councils. Should the arrangement not be approved then the benefits of joint working will not be realised and the resilience of the service will be affected.

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**Report Approved**

**Date** 18/4/16

**Specialist Implications Officer(s)**

Financial: Ian Floyd, Director of Customer & Business Support Services,  
01904 552909

Legal: Andrew Docherty, AD for Governance and ICT, 01904 551004

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

**All**

**Annexes**

None

**Background Papers:**

None

**List of abbreviations used in this report:**

CYC	City of York Council
HR	Human Resources
H&S	Health & Safety
ICT	Information and Computer Technology
NYCC	North Yorkshire County Council

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