
Meeting	Decision Session - Executive Member for Environment
Date	10 December 2018
Present	Councillor Waller

26. Declarations of Interest

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

27. Minutes

Resolved: That the minutes of the Decision Session held on 22 October 2018 be approved and signed by the Executive Member as a correct record.

28. Public Participation

It was reported that one member of the public, Gwen Swinburn, had registered to speak at the session under the Council's Public Participation Scheme, but was unable to attend and had emailed her comments on Item 8 to the Executive Member. There had also been three requests to speak by ward members.

Cllr Crawshaw, member for Micklegate ward, spoke on Agenda Item 4 (York 5 Year Flood Plan Update). He expressed disappointment with progress on flood defences in his ward, especially in Clementhorpe and near Millennium Bridge, where uncertainty, delay and poor communication had left residents feeling vulnerable.

Cllr Warters, member for Osbaldwick and Derwent ward, spoke on Agenda Item 6 (Waste Resilience Update). He queried why the report included no option to pay drivers more competitive rates and suggested that the current recycling scheme be replaced by a mixed recyclates scheme as used by East Riding, the authority with the highest recycling rates.

Cllr Danny Myers, member for Clifton ward, also spoke on Agenda Item 6, and on Agenda Item 9 (Government Consultation on Compulsory Community Pre-Application Consultation for Shale Gas Development). On Item 6, he commented that the report was not detailed enough and urged

that further costings be obtained on Option A so that an informed decision could be made. On Item 9, he welcomed the report and indicated the support of the Labour Group for the proposed response to consultation.

29. York 5 Year Flood Plan Update

The Executive Member considered a report which provided an update on progress against the York Five Year Flood Plan in York. An officer from the Environment Agency (EA) was in attendance to present the update and answer questions.

Annex 1 to the report detailed work carried out by the EA since the last update, on 3 September. It included a summary of city-wide activities, an update on work in each flood cell and progress on the York Flood Alleviation Scheme six month public engagement programme. A newsletter sent to Clementhorpe residents in November was also attached. The EA officer highlighted key points and, with council officers, responded to questions from the Executive Member and matters raised under Public Participation, as summarised below:

- The EA recognised that the situation in Flood Cell B8 (Clementhorpe / Millennium Bridge) was not ideal; unexpected problems revealed by the results of structural analysis received in October had led to further delay, as mentioned in the residents' newsletter.
- Options were still being considered to find the best long term solution pending receipt of further information; meanwhile the ward member's comments on engagement with residents would be taken on board and efforts made to improve this.
- The EA would write to the Executive Member and the Corporate Director of Economy & Place if the council could assist at all in speeding up the process.
- In general terms, the EA aimed to manage its projects through early contractor engagement and the use of 2 or 3 contractors on a single project to spread the risk.
- The EA was liaising with council officers on the Castle Gateway project regarding the use of land for additional work at the Foss Barrier site.
- Results of the council's bid for Defra funding towards a holistic pumping scheme in flood cell B9 (Fulford), delivering multiple benefits to the A19 and Fordlands Road, were expected before Christmas.
- An option for a temporary solution in flood cell B12 would be discussed at a steering group meeting next week and local residents would be kept informed.
- The EA had submitted an outline business case to Defra for all its schemes in York; once this was approved a full business case would be costed and submitted.

Resolved: (i) That the updated report, and the information presented at the session by the Environment Agency (EA) and council officers, be noted.

Reason: To confirm that the Executive Member is aware of the current position regarding progress on the 5 Year Flood Plan.

(ii) That the EA recognise the concerns of residents to develop schemes to the point of delivery and detail the steps it has taken to improve speed of delivery through design, supply chain and the planning process.

(iii) That an ongoing approach be developed for engagement and resilience building across the city.

(iv) That the comments from councillors attending this Decision Session be noted.

(v) That future reports include regular updates on the outline business case for the whole scheme, presented in a clear and concise manner.

Reason: To maintain clear communication with residents and enable the Flood Plan to be properly monitored to ensure that it is delivered within budget and on time.

30. Health and Safety Interim Report

The Executive Member considered a report which presented the Interim Report on the work of the Health & Safety (H&S) shared service between City of York Council (CYC) and North Yorkshire County Council (NYCC), including an update on H&S incidents and the annual review of the council's H&S Policy.

Progress on the key priorities in the Annual Report received at the 2 July Decision Session was set out in paragraphs 7 to 14. This had included: completing the procurement of a comprehensive H&S reporting and management system for CYC and NYCC; embedding a specific H&S resource with Building Services to provide support; and putting refreshed arrangements in place to support the work of the Safety Advisory Group (SAG). Asbestos management arrangements had also been revised and updated and additional work was being undertaken with national specialists to evaluate actions on fire risk. Work with schools had included a H&S conference in July, with a training session for head teachers.

With regard to H&S incidents, while the overall number in the past six months was less than half of the total number reported last year, there were concerns around increases in reported incidents of Violence and Aggression and Handling/Lifting/Carrying. These would be analysed and discussed with the relevant bodies.

The Executive Member stressed the need to clarify the responsibilities, accountability and authority of those speaking at SAG meetings. Officers indicated that proposals addressing these matters would be brought to a future Executive meeting.

Resolved: (i) That the Interim Report, including the work of the Shared H&S Service, be noted.

(ii) That the ongoing work to refresh the arrangements relating to the Safety Advisory Group (SAG) be noted, and that a report be taken to Executive on the work being undertaken with partner agencies to clarify roles and ensure the work of the SAG is well supported and follows best practice.

(iii) That the Corporate Health & Safety Policy be endorsed, noting that the previously supported position that verbal aggressive behaviour towards council staff and contractors working on the council's behalf will not be tolerated is now included within the Statement of Intent.

(iv) That details of the outcome of revised arrangements for asbestos management, water hygiene and substance misuse, as highlighted in paragraph 11 of the report, be reported to future decision sessions.

Reason: So that the Executive Member and residents can be assured that H&S services are resilient and the council has proper arrangements in place for managing and responding to H&S risks.

31. Waste Resilience Update

The Executive Member considered a report which detailed steps taken to address the challenges faced by the council's front line waste services over recent months and presented options to increase resilience and improve the reliability of the service.

In common with services across the country, waste services in York had been affected by adverse weather at the start of the year and a shortage of LGV (HGV) drivers. Steps already taken and planned to mitigate the effects of this and improve resilience, including plans to replace the current vehicle fleet from 2020, were set out in paragraphs 12 and 13 of the report. Since publication of the report, the Executive had approved an additional £125k to fund the retention of the seasonal green waste staff over the winter season.

The following options for further improvement were considered:

Option A – invest in additional crews. This was not recommended, as it would create over-resourcing and not be cost effective.

Option B – develop a driver apprentice programme, to be launched in 2019, with a training fee ‘claw back’ arrangement to ensure staff retention. This was the recommended option

Option C – review services to create a more generic multi-skilled workforce. This could be explored but would need further consideration.

The Executive Member recognised the current issues with the service and apologised for the inconvenience these were causing to residents. He thanked those officers working above and beyond their roles to restore the service that residents had come to expect and welcomed the trialling of electric vehicles for the new fleet. In response to comments made under Public Participation, officers explained that switching from a separated to a mixed recycling scheme would add £1m to the overall cost of the service.

Resolved: (i) That the update provided in the report be noted.

(ii) That Option B, to develop a driver apprentice scheme, be approved.

(iii) That officers be requested to develop proposals for a more generic, multi-functional, workforce.

(iv) That officers be requested to develop a plan for a future fleet which will help to deliver a more reliable service that also takes into account air quality issues, considers electric vehicles, especially within the Clean Air Zone, and considers access issues, to increase the number of streets from which collections can be made, while maintaining segregation of recycling.

Reason: To improve the reliability of the service to residents, in accordance with the key themes of the Council Plan, and to improve air quality and recycling rates.

32. Update on the York Community Recycling Fund

The Executive Member considered a report which provided an update on the York Community Recycling Fund (YCRF) and other initiatives to minimise fly tipping, as requested by the Executive Member on 6 March 2017 and by Full Council on 22 March 2018.

All projects receiving funding from YCRF had demonstrated success in terms of their social benefits and contributions to diverting waste from landfill, as detailed in paragraphs 8 to 12 of the report. Nearly all were set to continue in some way, thus supporting the fund's aim of sustainability. The Neighbourhood Enforcement team, working with council colleagues and external partner agencies, had secured 5 successful prosecutions and 13 formal cautions for fly tipping in the past 2 years and in February launched the Crime Not To Care campaign, highlighting to residents their duty of care in relation to domestic waste. Other initiatives included 'Operation Eyeball' – cross-county work with police to reduce fly-tipping - and the procurement of portable CCTV cameras for use in fly-tipping hotspots, particularly in rural and semi-rural areas.

In June, the Executive had agreed funding for the provision of free recycling boxes if collected by customers themselves. Since Yorwaste and St Nick's had now confirmed they were unable to act as a distribution point for free boxes, approval was sought to pilot free home delivery of the boxes by the council instead.

The Executive Member welcomed the work by officers and the wide range of schemes across the city that helped to promote recycling.

- Resolved:
- (i) That the update on the York Recycling Fund and the other initiatives to reduce fly tipping be noted.
 - (ii) That officers be requested to prepare a report on the roll out of mobile CCTV to help enforcement to prevent fly tipping.
 - (iii) That approval be given for a pilot of free boxes for recycling, to include home delivery by the council in the absence of a suitable partner for the provision of free boxes on a collection only basis.

Reason: In order to capture any lessons that can be learnt and to improve waste prevention and recycling in York.

33. Evaluation of the pilot of the Better Decision Making Tool

The Executive Member considered a report which presented the findings of a review of the Better Decision Making Tool (the tool), a document designed as part of the One Planet Council programme, following a six month pilot of its use with Executive decisions.

The tool, attached as Annex 1, had been designed to help officers identify and balance the social, economic, environmental and equalities implications of their proposals. Some minor changes had been made during the pilot period, as reflected in the amended version at Annex 2. The review had identified a number of benefits, as listed in paragraph 7 of the report. Officers also found the tool easier to complete than the Community Impact Assessment which it replaced.

Feedback from officers indicated that the tool would deliver greater benefit if used earlier in the process. It was therefore proposed to align it with the council's All About Projects Framework, for use initially in the Discovery stage of a proposal. Analysis of the completed tools indicated that their quality was strongly linked to the assistance provided by officers with specialist knowledge. Hence it was proposed to create a Project Officer post to support and challenge officers working on major capital projects, as detailed in paragraphs 15 to 18, funded over 3 years from monies within the Go Ultra Low project and from the One Planet budget.

The Executive Member stressed the importance of delivering all ten strands of the One Planet York concept and designing sustainability into projects from the outset. With reference to the emailed comments mentioned under Public Participation, he noted the need to inform the public on issues arising with the One Planet app and how these had been addressed.

Resolved: (i) That the findings of the review be noted.

(ii) That approval be given to create a Project Officer post to support officers delivering capital projects and to lead key delivery projects.

(iii) That authority to make any further amendments to the tool be delegated to the Head of Corporate Strategy and City Partnerships and the Head of Programmes in the Economy and Place Directorate.

Reason: To ensure that there is capacity to deliver key projects around the One Planet agenda and to ensure that the usability of the tool continues to be improved and its impact maximised.

34. Government Consultation on Compulsory Community Pre-application Consultation for Shale Gas Development

The Executive Member considered a report which presented a proposed response to the third consultation on the government's Written Ministerial Statement on Energy Policy (WMS2018) relating to shale gas exploration. Responses to the two previous consultations, as approved at the Decision Session on 22 October, were attached as Annex A to the report.

This item had been added to the agenda under the council's urgency procedures, as a 'non-key' decision that had been on the Forward Plan for less than 28 days before the Decision Session. The reason for the urgency was the need to respond to the consultation before the deadline of 7 January 2019.

The consultation had been published on 31 October 2018 by the Ministry of Housing, Communities and Local Government. It sought views on whether applicants should be required to conduct pre-application consultation with the local community before submitting a planning application for shale gas development and, if so, what process this should follow.

Suggested responses to the four questions in the consultation were set out in paragraph 24 of the report. These reflected officers' views that community pre-application consultation should be compulsory and should follow a similar process to that required in applications for onshore wind development. The Executive Member was invited to endorse these responses for submission (Option 1), seek amendments prior to submission (Option 2) or reject the responses and request further work (Option 3).

Having noted the comments made under Public Participation, the Executive Member

Resolved: (i) That the government consultation on compulsory community pre-application consultation for shale gas development be noted.

(ii) That Option 1 be approved and the views set out in the 'Suggested Authority Response', including Annex A, which align with the council's submitted Joint Waste and Minerals Plan sections of the report, be endorsed and submitted to the Ministry of Housing, Communities & Local Government and

Department for Business, Energy and Industrial Strategy, as relevant.

Reason: To allow officers to respond to the consultation prior to the deadline of 7 January 2018, and to put the responses in the context of previous consultations so as not to imply any endorsement of fracking by the council.

Cllr A Waller, Executive Member

[The meeting started at 5.34 pm and finished at 7.26 pm].