



Notice of meeting of

Decision Session - Executive Member for Neighbourhoods

To: Councillors Reid (Executive Member)

Date: Tuesday, 15 September 2009

Time: 4.00 pm

Venue: The Guildhall

AGENDA

Notice to Members- Calling In:

Members are reminded that, should they wish to call in any item on this agenda, notice must be given to Democracy Support Group by:

10am on Monday 14 September 2009, if an item is called in *before* a decision is taken, *or*

4pm on Thursday 17 September 2009, if an item is called in *after* a decision has been taken.

Items called in will be considered by the Scrutiny Management Committee.

1. **Declarations of Interest**

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. 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 **5:00pm on Monday 14 September 2009**.

Members of the public may speak on item on the agenda, an issue within the Executive Member's remit, or an item that has been published on the Information Log for the current session. As the information log is not yet in use, the reports below have been published online with the agenda for information.

- a) Neighbourhood Services Capital Monitoring Report
- b) Neighbourhoods and Community Safety Group Legal Actions

3. Minutes (Pages 3 - 10)

To approve and sign the minutes of the meeting of the Decision Session of the Executive Member Neighbourhood Services on Tuesday 21 July 2009.

4. National Service Planning Requirements for Environmental Health and Trading Standards Services. (Pages 11 - 14)

Service plans for food law enforcement, health and safety law enforcement and animal health enforcement are produced on an annual basis in response to national requirements. This report seeks the Executive Members approval for these plans.

5. Air Quality Update (Pages 15 - 24)

The purpose of this report is to update the Executive member of the outcome of the recent Air Quality Support Grant (AQSG) applications made to the Department for Environment, Food and Rural Affairs (DEFRA). The report requires a formal decision to be taken to approve the amount of AQSG to be accepted from DEFRA.

**6. Kerbside Recycling & Alternate Week (Pages 25 - 30)
Collection Expansion - Petitions.**

This report advises the Executive Member for Neighbourhood Services of the receipt of three petitions from residents in the Groves area of the City and recommends how to respond to them.

**7. Any other business which the Chair considers
urgent under the Local Government Act 1972**

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail-laura.bootland@york.gov.uk

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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Further information about what's being discussed at this meeting

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Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

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Holding the Executive to Account

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Decision Session) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
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City of York Council

Committee Minutes

MEETING	DECISION SESSION – EXECUTIVE MEMBER FOR NEIGHBOURHOOD SERVICES
DATE	21 JULY 2009
PRESENT	COUNCILLOR REID (EXECUTIVE MEMBER)
IN ATTENDANCE	COUNCILLORS KING, HYMAN & SUE GALLOWAY

1. **DECLARATIONS OF INTEREST**

The Executive Member was invited to declare at this point in the meeting any personal or prejudicial interests that she might have in the business on the agenda. No interests were declared.

2. **MINUTES**

RESOLVED: That the Minutes of the meeting of the Executive Member for Neighbourhood Services and Advisory Panel held on Wednesday 18 March 2009 be approved and signed as a correct record.

3. **PUBLIC PARTICIPATION / OTHER SPEAKERS**

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

With the permission of the Executive Member it was agreed that Councillors King, Hyman and Sue Galloway, who had requested to speak on agenda item 6 (Update on the City of York Public Toilet Review) could speak during consideration of agenda item 6.

4. **RESERVE LIST OF HIGHWAYS SCHEMES**

The Executive Member considered a report that identified additional highways schemes, some of which could be undertaken in this financial year 2009/10, funded from within the service area. The Executive Member for Neighbourhood Services was asked to approve the proposed list in Annex 1 of the report.

The Highway Asset Manager, Highway Maintenance Services, Neighbourhood Services, introduced the report and highlighted that efficiencies had been created with the merger of elements of City Strategy with the Civil Engineering Department in Neighbourhood Services. From the accrued savings, plus the pay back money from the Moor Lane Roundabout, this could then be used to fund additional resurfacing and reconstruction schemes.

The officer confirmed that the list had been drawn up in the usual way and that although there were no guarantees, the department was ready to go ahead once there was a clearer indication of the funding available towards the end of the financial year.

The Executive Member commented that she was happy to approve the list of schemes in Option 1 and noted that the list had been completed using the normal criteria.

RESOLVED: That the Executive Member:

- Approve the split in funding between footways and roads.
- Approve the provisional reserve list of possible schemes listed in Annex 1 of this report.

Reason: To ensure the Highway Maintenance budget is expended in the most cost effective way based on the Council's assessed priorities and approved policies. It will not be evident until the latter end of the financial year as to how much money will be available to allocate to the reserve schemes, it is not anticipated that all of the schemes will be undertaken. The list is much larger than any anticipated budget availability; this is to ensure some flexibility in the number of schemes to be completed with the finances available.

5. HIGHWAYS VEHICLE PROCUREMENT

The Executive Member considered a report, which provided details of the procurement for the replacement of 4 hook lift gritting vehicles and 1 bulk tipping vehicle. The report asked the Executive Member to approve the outcome of the evaluation process so that a purchase order could be made and the vehicles ordered.

The Assistant Director, Environmental Services, Neighbourhood Services, presented the report and highlighted the need to replace vehicles for winter maintenance. It was noted that the previous contract with the Defence Support Group (DSG) had come to an end and that, after seeking advice from Procurement, tenders had been sought through the Yorkshire Purchasing Organisation (YPO) Framework. The tenders were evaluated using the Most Economically Advantageous Tender (MEAT) analysis.

In response to a question from the Executive Member, the officer confirmed that a review of the whole transportation unit would be brought to the Executive Member at a future meeting.

RESOLVED: That the Executive Member:

- i. Notes the procurement process outlined in the report and approves the outcome of the evaluation process.
- ii. Gives approval for a purchase order to be made so the successful tenderers can be notified and orders placed.

Reason: To allow the orders to be placed and the vehicles to go into manufacture.

6. UPDATE ON THE CITY OF YORK PUBLIC TOILET REVIEW

The Executive Member considered a report, which informed her as to the progress on the complete review of public toilet provision for York and the proposed next steps. The report was an update on the position reported on 15 October 2008 and considered the Council's charging policy, future repairs and maintenance needs, the Changing Places Strategy and the Community Toilet Scheme.

The Executive Member asked for the officer update before hearing from the three Councillors who had requested to speak on this agenda item.

The Assistant Director, Environmental Services, Neighbourhood Services presented the report and stated that the review had begun mid-2008 and that the criteria worked within had included:

1. General conditions survey of in-house facilities, the majority being fairly new build with minor improvements.
2. The annual level of usage with reference to paragraph 9 of the report.
3. A potential public toilet scheme with reference to paragraphs 11 and 12 of the report.

It was noted by the Assistant Director that a Community Toilet Scheme was being supported with a move to a national signage system. Options for urinals and mobile units had been explored in detail but had not been felt appropriate for York. With regard to charging regimes it had been felt important to be consistent with the Equalities Act.

The Assistant Director spoke of the main Changing Place facility at Silver Street and other Changing Place facilities including Acomb Explore, Walmgate and that a further facility at Burton Stone Lane would be opened shortly. It was stated that there were plans also to incorporate one at the Central Library, two at Oaklands and changing facilities at the Monks Cross and the Designer Outlet shopping complexes. It was also stated that the Council had worked with three independent organisations to assess facilities, including ENCAMS (Tidy Britain Group), a private sector group, and York Access Group, who had all submitted reports and their comments had been incorporated in the review. The officer confirmed that an electronic copy of the report would be made available on the Internet and that a hard copy was available to read with the Assistant Director.

Councillor King, who had registered to speak on this agenda item, was then invited to speak by the Executive Member. Councillor King declared a personal non-prejudicial interest in this agenda item, as an Honorary Member of the York Access Group. He commented that he was concerned about disabled access to toilets and health and safety issues, and felt that these had not been addressed in the report. His particular concerns were with regard to the state of the toilet facilities at Union Terrace in Acomb,

where needles used by drug users had been found together with blood on the walls and toilet furniture. He showed a photograph to the Executive Member and officers with regard to this. Councillor King highlighted that health and safety issues were not only concerns for people with disabilities, but also for cleaning staff. He also noted that York was a tourist destination city and that these toilets were used by coach operators bringing visitors to York, and that these operators had expressed concerns about the state of the Union Terrace toilets. Councillor King also expressed his concerns about toilets designated for those with disabilities, stating that that it was easy for other people to gain access to those toilets while disabled people were using the facilities. He also stated that he felt the alarm pull chord system should be linked to an emergency response facility.

Councillor Hyman, who had registered to speak on this agenda item, welcomed the report as the Older People's Champion in York. He stated that the Community Toilet Scheme was very relevant to older residents in York, but was concerned that there were no indications in the report as to when the changes would be made and requested that the changes should be pushed ahead with target dates for implementation. With regard to Paragraph 11 of the report and the 40% of businesses that had responded to the review, Councillor Hyman wanted to know how many businesses had responded in total. The speaker stated that if 50 businesses were on board, that this would be a sign of success. With regard to signage, the speaker stated that it was important not to make the lives of residents and visitors more difficult. The speaker noted that there were no costs detailed in the report. He stressed the importance of standards and the need to encourage businesses to take part in the toilet scheme and made reference to Sutton Council which paid £300 a year to businesses that participated in the scheme and of another council that gave a one-off £500 grant to get the scheme up and running. He also asked the Executive Member to consider including York Older People's Assembly as a consultee in the review.

Councillor Sue Galloway, who had also registered to speak on this agenda item, welcomed the report. She noted some omissions, including the mention of the toilets at York Theatre Royal and said that she would like to see this facility and other facilities in council owned buildings included. The speaker expressed surprise at some of the usage levels. She asked that the police be asked for input on the review, particularly with regard to anti-social behaviour issues. She noted that it was not just people with disabilities who got into difficulties in toilets. Councillor Galloway also noted that a recent meeting of the Care Quality Commission had praised York for the number of changing places, but had wanted to see more places available. With regard to signage, the speaker felt that there was no need for York to use different signage.

The Assistant Director of Neighbourhood Services then responded to points raised by the speakers and the Executive Member.

- It was stated that the Radar Key was part of a National Scheme and therefore could not be changed, but that officers would talk to the Radar Key organisation re the concerns raised.

- It was noted that people with disabilities who used toilet facilities often had a carer outside the toilet and that the majority of people now had mobile phones.
- The concerns raised with regard to the toilet facilities at Union Terrace were noted and it was stated that a specialist team collected the needles and drug paraphernalia. It was also stated that to deter drug users toilet facilities had in the past been temporarily double locked for periods of time, but that this then put the facilities out of use. It was noted that issues of policing also needed to be looked at to address this problem.
- With regard to the Emergency Pull Chord, options with regard to links with a security system response system as well as concerns raised re misuse would be looked at and brought back to the Executive Member.
- Community Toilet Scheme. The commitment of the Executive Member was noted and the officer asked for clear guidance with regard to signage.
- Payment proposal. This would be looked at and any costs and other opportunities rather than cash would be brought back to the Executive Member for consideration.
- With regard to Council owned properties with toilet facilities and the Theatre Royal, that officers would talk to the theatre with regard to them joining the scheme.
- Lights in toilets. It was noted that coloured lighting in toilets had been removed, as this had been too dismal.

The Executive Member then welcomed the report but noted concerns with regard to progress on the review. She stated that the signage scheme needed to be the national scheme and that signposting needed to be implemented quickly. The Executive Member also noted the need for officers to investigate the issues raised with regard to the Radar Key scheme, unauthorised access to disabled toilets and the emergency chord/light buzzer. The Executive Member welcomed the paragraphs of the report concerning Changing Places and of talking to Housing and Adult Social Services with regard to the Radar Key. The Executive Member also noted the importance of getting the public sector involved in the toilet scheme.

Decision of the Executive Member

RESOLVED:

1. That the Executive Member notes the limitations in the use of both the hydraulic urinals and the mobile units and agrees the recommendation that work on these solutions be suspended.
 - Reason: To allow resources to be focused of the Community Toilet Scheme.
2. That the Executive Member agrees to the recommendation that a dedicated page on the Council's website be established for the public to report problems with specific facilities.

- Reason: To allow complaints to be monitored by site and use the data in support of decisions on any refurbishment programme.
3. The Executive Member notes the work needed on signage and believes that the national community toilet signage be adopted, and that a further report on this be brought back to the Executive Member in November 2009¹.
 - Reason: To ensure all parties have agreed with the types and locations of signs and how this supports the Community Toilet Scheme.
 4. The Executive Member agrees to further work being carried out to recruit businesses to the Community Toilet Scheme within any limitations identified with regard to signage and that details of the options be brought back to the Executive Member in November 2009².
 - Reason: To be able to approach businesses in the City following the agreement on the types and locations of signage.
 5. The Executive Member agrees to the continuation of the current charging arrangements at the Coppergate facility and agrees to the recommendation that the charging at this facility is suspended with the attendant being replaced by scheduled cleans, and that this be monitored.
 - Reason: To ensure the council meets its obligations under discrimination legislation.
 6. That the Executive Member considers the current arrangements for the charging for children and the age at which a free service is offered and agrees with the recommendation that all children under 12 and accompanied are free.
 - Reason: To establish a policy on the charging of children at facilities in the City.
 7. That ways should be considered to improve facilities in house and adding them to the capital programme, and that a further report on a partnership working with the private sector be prepared to make capital available immediately. This will require a charge to be made at all the facilities except disabled following redevelopment.
 - Reason: To improve the facilities on offer in the City.
 8. That consultation with the Older People's Assembly be undertaken with regard to this review³.
 - Reason: To ensure that the views of older people in York are taken into consideration in this review.
 9. That concerns about the use of the Radar Keys by people with disabilities be investigated with the Radar Key organisation, and that options with regard to the response to the Pull Chord emergency facility be investigated with a report back on both to the Executive Member in November 2009⁴.
 - Reason: To improve toilet facilities for people with disabilities.

Action Required

1. Report back on the adoption of the national toilet signage scheme to the Executive Member November 2009. KS
2. Report back on progress on the recruitment of businesses to the Community Toilet Scheme to the Executive Member in November 2009. KS
3. Consult with York Older People's Assembly with regard to the toilet review. KS
4. Investigate concerns with the Radar Key organisation and use of pull chord emergency facility and report back to the Executive Member November 2009. KS

Councillor Reid, Executive Member

[The meeting started at 4.00 pm and finished at 4.50 pm].

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Decision Session - Executive Member for Neighbourhoods15th September 2009

Report of the Director of Neighbourhood Services

National Service Planning Requirements for Environmental Health and Trading Standards Services**Summary**

1. Service plans for food law enforcement, health & safety law enforcement and animal health enforcement are produced on an annual basis in response to national requirements.
2. The purpose of this report is to seek member approval for these plans.

Background

3. In 2001 the food standards agency (FSA) introduced mandatory service planning arrangements for local authority food law enforcement services. In 2002 the government extended service planning regimes into other areas of local authority regulatory work and the Health & Safety Commission (HSC) placed a duty on local authorities to produce a health & safety enforcement service plan.
4. In 2004/05 the Department for the Environment, Food and Rural Affairs (DEFRA) added an additional plan. This plan covers animal health and welfare and was introduced to improve local authority enforcement practices following the national outbreak of foot and mouth disease.
5. The previous national plans were approved by the Neighbourhoods EMAP on 15th October 2008.
6. The purpose of each plan is similar in that they are to contain details of how local authorities are addressing national (FSA, HSC and DEFRA) enforcement priorities and how activities locally work towards meeting local authority corporate objectives and priorities. The guidance for completing each plan (issued by the FSA, HSC and DEFRA) states that it should be submitted to the appropriate member forum for approval.
7. All plans must demonstrate that a local authority is providing core functions and an appropriate 'mix' of regulatory activities. The mix includes:
 - conducting inspections of premises to a risk based inspection programme to ensure compliance with legislation.

- taking samples of food to ensure they are safe and correctly described.
 - investigating complaints.
 - taking formal enforcement action (including prosecution) where necessary.
 - providing an educational, promotional and advisory programme to raise standards.
 - working in partnership with business and other enforcement agencies.
8. The plans are extensive in nature and their format prescriptive. They will be available on the council's web site during the week before the meeting and can be accessed through the Meeting agenda.

Alternatively, copies can be obtained by contacting the democracy Officer for this meeting, Laura Bootland on 01904 552062 or email laura.bootland@york.gov.uk

Copies of the plans will also be available at the meeting.

Reporting and Monitoring

9. The council is required to submit an annual monitoring report on each plan. The FSA have used these reports to 'name and shame' poor performing local authorities and to target their audits of local authority enforcement services. The HSC has indicated that they may use their default powers to take over a local authority's health and safety enforcement responsibilities in circumstances where insufficient resources are allocated to this function.
10. The 2009/10 food and health & safety plans include performance variances with targets set in the 2008/09 plans. Reporting these variances is a requirement of the national bodies.

Consultation

11. Staff in environmental health and trading standards have been involved in the development of their respective plans and consulted on the targets that have been incorporated into the supporting work programmes. The activities set out in the animal health plan have been agreed with the DEFRA Divisional Veterinary Manager.

Analysis

12. Each of the plans represents an appropriate mix of enforcement, educational and advisory work required of modern local authority environmental health and trading standards services. Approval of the plans by members is a requirement of the FSA, HSC and DEFRA.

13. It is not known what action will be taken against the council if any of these plans does not receive member approval although it is likely to result in close scrutiny of the council's ability to provide the relevant service.

Corporate Priorities

14. Enforcement activities in the Health and Safety Enforcement Service Plan and Food Law Enforcement Service Plan support the corporate priorities to make York a safer and healthy city. The Animal Health Plan supports the thriving city priority.

Financial Implications

15. The work programme outlined in the 2009/10 plans can be resourced from existing budgets. DEFRA are currently directly funding additional animal health and welfare enforcement. This funding is conditional on submission of a service plan that is acceptable to DEFRA.

Legal Implications

16. It is a legal requirement to set a service plan for food law enforcement and health and safety enforcement (Food Standards Act 1990 and Health and Safety at Work etc Act 1974) respectively.

Human Resources (HR) and Other Implications

17. There are no HR, or other implications associated with this report.

Risk Management

18. In compliance with the Councils risk management strategy. There are no risks associated with the recommendations of this report

Recommendations

19. That the Executive Member approves the plans and recommends that they are referred to Full Executive for approval.

Reason: In order that the council can discharge its statutory obligations in regard to service planning for environmental health and trading standards services.

Author:

Colin Rumford
Head of Environmental Health
and Trading Standards
Neighbourhood Services

Phone: 551502

Chief Officer Responsible for the report:

Andy Hudson
Assistant Director
Neighbourhoods and Community Safety

Phone: 551814

Report Approved

Date 24th August 2009

Specialist Implications Officer(s)

None

Wards Affected:

All

For further information please contact the author of the report

Copies of the national service plans will be available on the council's web site for the week prior to the meeting – they can be accessed through the Meeting agenda <http://democracy.york.gov.uk>

Background Papers:

Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement
Health and Safety Commission Section 18 HSC Guidance to Local Authorities
DEFRA Framework Agreement



**Decision Session – Executive Member for
Neighbourhoods**
15th September 2009

Report of the Director of Neighbourhood Services

AIR QUALITY UPDATE**Summary**

1. The purpose of this report is to update the executive member of the outcome of the recent Air Quality Support Grant (AQSG) applications made to the Department for Environment, Food and Rural Affairs (DEFRA). Three AQSG bids were made in relation to the council's ongoing Local Air Quality Management (LAQM) work. The report provides an overview of the planned expenditure of the AQSG and requires a formal decision to be taken to approve the amount of AQSG to be accepted from DEFRA. The report also provides a general update on local air quality management in York.

Air Quality Support Grant**Background**

2. The government supports local authorities capital expenditure on LAQM through a direct grant scheme known as the Air Quality Support Grant Programme (AQSG). Previous air quality grants from DEFRA have funded the establishment of a comprehensive air quality monitoring network in York and the in-house operation of an air quality computer model. The scope of the monitoring network was reviewed and streamlined in 2006, with the main emphasis now on nitrogen dioxide and particulate monitoring.
3. Officers submitted three AQSG bids to DEFRA in April 2008. The total amount bid for was £221,999 of which £15,000 was initially awarded. A letter was sent to DEFRA requesting that York should be considered for any further grant that might become available later in the year. In February 2009 an additional grant of £12,000 for monitoring and £15,000 for modelling was awarded.
4. In April 2009 officers submitted three new AQSG bids to DEFRA to support the council's air quality work during 2009/2010. The amounts bid for were:

Air quality monitoring =	£116,600
Air quality modelling =	£44,175
Air quality action planning =	£34,250

5. Due to a national shortfall in the amount of grant available, York has been provisionally allocated the following amounts of AQSG for 2009/2010 :

Air quality monitoring =	£15,000
Air quality modelling =	£1,500
Air quality action planning =	£0

It can be seen that these awards again fall well below the amounts within the bids.

Consultation

6. No consultation has been undertaken for the purpose of this report.

Proposed expenditure

Air quality monitoring

7. The DEFRA grants received for monitoring during 2008 allowed replacement of the old air pollution monitoring station at Lawrence Street, complete with a five year service and maintenance contract. An additional air pollution monitoring station was also established on Fulford Road during 2008. Due to the shortfall in the monitoring allocation from DEFRA, funding for the Fulford Road site was secured from City Strategy as part of the Fulford Road Transport Corridor Scheme. As previously reported the Fulford Road air pollution station was required to allow a detailed assessment of elevated nitrogen dioxide concentrations on Main Street, Fulford to be undertaken. The detailed assessment for Main Street, Fulford is currently being compiled and will be submitted to DEFRA by 30th September 2009 (see paragraph 24).
8. The £116,600 bid for air quality monitoring submitted in April 2009 was to undertake the following five projects:
- Project 1 : Upgrade of NO_x analyser at the Fishergate monitoring site
- Project 2 : Upgrade of Gillygate monitoring site (NO_x analyser and enclosure)
- Project 3 : Upgrade of Nunnery Lane monitoring site (NO_x analyser and enclosure).
- Project 4: Re-establish background NO_x monitoring at Dunnington
- Project 5: Purchase a car adaptor and laptop cradle to assist with diffusion tube collections
9. Projects 1, 2 and 3 are concerned with upgrading existing older air quality monitoring equipment in the city to ensure continuous collection of high quality monitoring information for future rounds of air quality review and assessment. Project 4 aims to re-establish a background NO_x monitoring site at Dunnington to improve the accuracy and precision of diffusion tube monitoring, and to allow

better validation of air pollution model outputs. (NO_x was monitored at Dunnington between 1999 and 2005 but was ceased due to lack of funding.) At present real time background monitoring data is only available from the Bootham Hospital air pollution station. This provides urban background concentrations that are not fully representative of the situation in sub-urban and rural York. The re-establishment of NO_x monitoring at Dunnington would improve the accuracy and precision of York's air quality data.

10. Project 5 would significantly speed up the collection and logging of diffusion tubes by allowing the whole process to be carried out electronically. At present manual records are made during the collection process and transferred to an electronic database on return to the office.
11. The amount of AQSG funding received from DEFRA for air quality monitoring during 2009/2010 is significantly less (£101,000) than the £116,600 bid for. The £15,000 allocation, plus £2,495 remaining from last years allocation will be sufficient to replace one of the air quality monitoring stations, with a minimum of a three year maintenance contract (project 4). It would however be preferable to purchase a five year maintenance contract to secure the future of the site for a longer period of time. Negotiations are in progress with the supplier to see if the costs of extending the contract can be off set by trading in some redundant equipment.
12. Gillygate has been identified as the priority site for replacement based on current levels of nitrogen dioxide recorded and likely long term cost savings to the authority. Replacement of the Nunnery Lane site would offer similar levels of cost savings but air quality in this area is not currently of as great concern as that in Gillygate. Replacement of the Fishergate site is not as advantageous in terms of cost savings as currently the service and maintenance of the analyser is being paid for by DEFRA as part of the Automatic Urban and Rural Network (AURN). It is therefore proposed to use the AQSG funding to upgrade the Gillygate site and obtain the longest service and maintenance contract possible with the funding available.

Air quality modelling

13. The £15,000 allocation for modelling received in 2008/09 was used to support the air pollution modelling activities within the environmental protection unit (EPU). The additional bid for £44,175 submitted in April 2009 was for continued support of air quality modelling activities and replacement of the two modelling computers. The computers require upgrading to run the latest versions of the modelling software efficiently. The £1,500 allocation for modelling will be used to upgrade the computers. Any further allocation received from DEFRA later in the year will be used to support the air pollution modelling activities .

Air quality action planning

14. The £3,000 allocation for air quality action planning received in 2008/09 was used to support the continued development of the JorAir website. Software has been purchased which will assist in allowing real time air pollution data to be downloaded directly from the JorAir website but further investment in 2009/10 is needed to fully deliver this project. Other items of expenditure included promotional materials for the JorAir website and reprinting of advisory leaflets and advertisements in relation to bonfires and smoke control.
15. The £34,250 bid for air quality action planning submitted in April 2009 was to undertake the following seven projects:
 - Project 1: Undertake a further remote emissions sensing project and campaign to support the development of a low emission strategy (LES) in York
 - Project 2: Continued development of JorAir to allow real time data dissemination
 - Project 3: Development of a teaching pack for JorAir
 - Project 4: Purchase of a further bicycle and equipment to support JorAir school visits
 - Project 5: Continued awareness raising of smoke control and bonfire issues through targeted leaflet drops
 - Project 6: Further development and launch of the Interim Planning Statement on Air Quality and Planning
 - Project 7: Support for Joseph Rowntree School Faraday Project
16. No funding at all has been received from DEFRA to support air quality action planning projects during 2009/10. A sum of approximately £2,000 has been carried forward from last years allocation and this will be used to complete the real time data dissemination project (project 2).
17. Project 1 would have continued the on street emissions monitoring work undertaken in 2007/08 by the Institute of Transport Studies (ITS). The aim would have been to collect further information about in use emissions from buses and HGVs to further inform the development of a Low Emission Strategy (LES) in York. The project would also have identified 'gross' polluters operating in and around York and involved the sending of advisory letters to the owners of such vehicles. ITS are still seeking funding from an alternative source to undertake further on street emissions testing in York. Although this would not be tailored exactly to our needs it may provide a useful source of additional information if they are successful. The project to target gross polluters will not take place unless an alternative source of funding becomes available.

18. Projects 3 and 4 would have supported the continued promotion of the JorAir website in local primary schools. To date JorAir teaching sessions have been run at three primary schools covering five year 5/6 classes. During the sessions pupils are taught about sources, causes and effects of air pollution and use the JorAir website to discover how they can help improve air quality in York. The sessions have been very well received by both teachers and pupils alike. Further bookings have already been received for 2009/2010. At the end of each JorAir session each pupil is asked to make an air quality pledge stating what they are going to do to improve air quality in York. At the end of the 2008/2009 term each of these pledges was placed in a draw to win a bicycle. It was hoped that a similar prize could be offered at the end of 2009/10 and that the teaching materials could be developed into a more formal pack that could be disseminated for use by teachers themselves. Due to the lack of air quality action planning funding this year alternative sponsorship for the JorAir prize will be sought and the JorAir teaching pack will be put on hold. Attempts have been made previously to obtain alternative funding for the JorAir prize without success.
19. Project 5 would have continued the publicity campaigns undertaken in previous years to deter people from causing a nuisance with garden bonfires and to raise awareness about the existence of smoke control areas. The advertising campaign will not run this year unless an alternative source of funding can be found.
20. Project 6 would have assisted with the costs of consulting upon and producing copies of the final Interim Planning Statement on Air Quality. Due to the importance of this document we will continue to progress it in house as far as possible and will seek further funding for the project in the next round of AQSG bids.
21. Project 7 would have allowed us to financially assist Joseph Rowntree School in establishing an air pollution monitoring station on the school grounds as a science teaching resource. The school has already received a significant grant from the Faraday Project to develop two interactive science projects on the site, but unfortunately this is not quite enough to deliver the air pollution station to the standard they would like. EPU staff will continue to assist the project by providing technical advice and loaning some particulate monitoring equipment to the school. EPU staff will also be involved in helping to develop a teaching programme for the pupils once the site is up and running.

Update on Local Air Quality Management in York

Local Progress

22. In April 2009, City of York Council submitted an Updating and Screening Report to DEFRA. This report provided an update on the air quality monitoring data collected during 2008 and considered the potential impact of newly identified sources of air pollution. The full Updating and Screening Report can be viewed at <http://www.jorair.co.uk/downloads.php>

23. The Updating and Screening Report concluded that there are still a small number of areas within the existing AQMA where annual average concentrations of nitrogen dioxide still exceed the $40\mu\text{g}/\text{m}^3$ health based objective level. The current Air Quality Management Area (AQMA) must therefore remain in place for the foreseeable future. Trend analysis of annual average nitrogen dioxide concentrations across the AQMA has shown that between 2002 and 2005 concentrations were in decline, but for the past three years concentrations have increased year on year. This increase in concentrations is thought to be a result of both increasing off peak traffic flows and increases in emissions of primary nitrogen dioxide from vehicles.
24. Outside the AQMA annual average nitrogen dioxide concentrations appear to have generally stabilised, with the exception of a few small areas. A detailed assessment is currently being undertaken of annual average nitrogen dioxide concentrations in Main Street, Fulford where it is expected, due to elevated levels, that a further AQMA may need to be declared. As detailed previously this report is due for completion by 30th September 2009.
25. Elevated concentrations of nitrogen dioxide also continue to be recorded on Salisbury Terrace and The Stonebow where compliance with the air quality objective is borderline. On the advice of DEFRA an additional nitrogen dioxide monitoring location has been established on Salisbury Terrace. The installing of real time monitoring in this area is very difficult due to lack of space and the likely noise implications for residents. The need for a detailed assessment in this location will be re-assessed next year.
26. The Updating and Screening Report identified a number of locations in the city where biomass burners have been established or have received planning permission. Biomass burners are increasing in popularity because they offer considerable savings in carbon dioxide emissions and can assist in meeting sustainable energy targets. However, where biomass burners replace natural gas plant, or introduce a new source of emissions into an area they can have detrimental impacts on local air quality, particularly in relation to concentrations of particulate matter. This is an example of where policies for reducing carbon dioxide emissions can conflict with local air quality policies.
27. A detailed assessment needs to be made of the likely emissions from the waste wood biomass burner for which planning permission has been granted at the Harewood Whin landfill. The air quality impact assessment work needed to undertake this detailed assessment should be undertaken by the site operator when they apply to the Environment Agency (EA) for a permit to operate the process under the provisions of the Integrated Pollution Prevention and Control (IPPC) Regulations. The process can not operate without a valid permit that will only be granted if the EA are satisfied that there will not be an unacceptable impact on local air quality. We are currently awaiting the submission of the air quality impact assessment to the EA.
28. Further screening assessments also need to be undertaken for the cluster of biomass burners that have emerged in Acomb as part of the York High School, Oaklands Sports Centre and Acomb library developments. Data for each of

these installations will be collected and screened against a biomass guidance document provided for this purpose. If this screening exercise indicates possible breaches of local air quality objectives a detailed assessment will need to be undertaken. An update on these assessments will be provided in next years Progress Report due for submission in April 2010.

Interim Planning Statement for Air Quality

29. Consultation has taken place with City Development and Development Control (within the City Strategy Directorate) on the content of the Interim Planning Statement (IPS) for air quality. Whilst both City Development and Development Control are supportive of the need for such a document they have some concerns about the proposals to formalise financial contributions for air quality mitigation measures or air quality monitoring. EPU are currently considering how these concerns can be best addressed by looking at examples of good practice from other local authorities. EPU are also considering how the draft IPS may need to be amended to accommodate the requirements of a Low Emission Strategy (LES). Until these matters are resolved the interim planning statement can not be taken to the LDF working Group / Planning Committee for approval.

AURN Affiliation of Bootham and Fishergate Monitoring Sites

30. In January 2008 the Bootham and Fishergate air quality monitoring stations were successfully affiliated to DEFRA's automatic urban and rural network (AURN). This has improved the council's national air quality reputation and has resulted in enhanced monitoring at no extra cost to CYC. DEFRA have installed PM_{2.5} monitoring equipment at the Bootham air pollution station and intend to do the same at Fishergate. The latter will require the provision of a larger enclosure as no further equipment can be fitted inside the existing cabinet. Work is currently ongoing with DEFRA's consultants to resolve this matter.

Funding from City Strategy

31. City Strategy allocate £40,000 per annum to support air quality work as part of an annually agreed work programme.

Low Emission Strategy (LES)

32. Previous reports have presented the results of initial investigations into the feasibility of a Low Emission Zone (LEZ). Whilst this has been shown to have potential for improving air quality in York, attention at a national level has been moving towards the wider concept of Low Emission Strategies (LESs).
33. LESs provide a package of measures aimed at accelerating the uptake of low emission fuels and technologies within a specified area. The aim is to reduce emissions of both local and global pollutants in a clearly defined and measurable way. The success of a LES can be measured through the setting and monitoring of emission reduction targets for a wide area. In this way minimising and offsetting the emissions from every new development and / or

transport scheme becomes important, rather than concentrating solely on larger schemes or those within the air quality management area. This approach is particularly useful for dealing with the problem of cumulative emissions from large numbers of small scale developments. By taking a LES approach conflicting carbon dioxide and local air quality policies can be avoided as total emissions are considered side by side instead of being treated as separate issues with separate targets and indicators.

34. In their simplest form LESs can aim to stabilise and prevent further increases in pollutant emissions through planning based measures. These can range from measures to encourage the uptake of cleaner vehicles, such as preferential parking arrangements or the provision of electric hook up points, through to requirements for detailed sustainable building design and state of the art heating systems. Where emissions from new developments can not be adequately controlled at source, emissions can be offset by requiring contributions into a 'low emission fund'. This fund can be used to support walking, cycling, public transport and energy efficiency schemes across the emissions reduction area.
35. More ambitious LESs aim to achieve a reduction in total emissions by tackling existing building and vehicle emissions alongside those being generated by new development. A more ambitious LES could aim to improve energy efficiency measures within existing buildings and introduce measures to remove the most highly polluting vehicles from York's roads. Through the gradual introduction of a variety of low emission schemes York could be transformed into a 'Low Emission City', making way for longer term projects such as a freight transshipment centre and a Low Emission Zone.
36. The Air Quality Steering Group (AQSG) is currently investigating how the concept of a LES could be introduced in York. The first step is to ensure that policy hooks exist within the LDF to allow planning based low emission measures to be enforced on new developments. EPU are currently liaising with City Development to ensure this occurs through the LDF consultation process. Over the coming months the AQSG will be considering how a LES would fit with other policies such as the Carbon Management Plan (CMP), Air Quality Action Plan (AQAP) and the next Local Transport Plan (LTP3). Members will be fully consulted on proposals for a LES once all the necessary information has been collated.

Options

37. (a) To accept air quality grants from DEFRA totalling £16,500 and allow the air quality projects outlined in paragraphs 12,13,16 and 17 to proceed, and to request that York be considered for any further grant that may become available in the year.
- (b) To reject some or all of the air quality grants from DEFRA and revise the planned air quality projects for 2009/2010 accordingly.

Analysis

38. Option (a) will allow the council to continue upgrading its monitoring network and make significant revenue savings over the next three years at the Gillygate monitoring site. It will also assist in the ongoing work to provide real time monitoring data via JorAir and allow the continued undertaking of air pollution dispersion modelling work in-house.
39. Option (b) would prevent the upgrading of monitoring equipment and require CYC to meet the ongoing revenue costs of the air pollution station at Gillygate. The real time air quality link via JorAir would not be provided and the ability to undertake in-house air pollution modelling may be at risk.

Corporate Priorities

40. Monitoring air quality, providing information to the public about air quality, and developing strategies to improve air quality contribute towards delivering the corporate priorities relating to thriving city, sustainable city and healthy city.

Financial Implications

41. No other source of funding exists for the projects outlined in this report. If the AQSGs are not accepted, alternative sources of funding will have to be identified in order to further LAQM in the city.

Human Resources

42. There are no human resource implications.

Equalities

43. There are no equalities implications.

Legal Implications

44. The council has a statutory duty to periodically review and assess local air quality against national air quality objectives and report its findings to DEFRA. As the council has declared an AQMA and produced an AQAP it is also obliged to submit regular AQAP progress reports to DEFRA demonstrating that it has a continued commitment to improving air quality in the city. Under the provisions of the Freedom of Information Act 2000 air quality data must be made freely available to members of the public upon request.

Crime and Disorder

45. There are no crime and disorder implications.

Information Technology (IT)

46. There are no IT implications.

Risk Management

47. There is some financial risk associated with purchasing multiple years of equipment maintenance contracts up front, but this is currently the only way these items can be justifiably purchased with AQSG. As the companies involved are well established within the air quality field the financial risk is considered relatively small and is considered proportional to the costs which would have to be incurred by the council in future years if AQSGs are not used in this way. There are always public liability risks associated the placing of monitoring equipment in the field. These will be minimised by consulting the highways team on the best location for the equipment, using reputable electrical contractors and ensuring all equipment is covered by the council's insurance policies.

Recommendations

48. That the advisory panel advise the executive member that :

Option (a) at para 37 should be accepted - to accept air quality grants from DEFRA totalling £16,500 and allow the air quality projects outlined in paragraphs 12,13,16 and 17 to proceed, and to request that York be considered for any further grant that may become available in the year.

Reason: It represents the most appropriate way of funding the continuation of LAQM in the city. This is a statutory undertaking that contributes towards the corporate priorities on Thriving City, Sustainable City and Healthy City.

Option (b) should be rejected

Reason: No other source of funding for LAQM has been identified. Refusal to accept all, or part of, the provisional grant would limit progress on corporate priorities relating to health and transport.

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Report Approved **Date** 24/08/09

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

None.



Decision Session - Executive Member for Neighbourhoods**15 September 2009**

Report of the Director of Neighbourhood Services

Kerbside Recycling & Alternate Week Collection Expansion - Petitions**Summary**

1. This report advises the Executive Member for Neighbourhood Services of the receipt of three petitions from residents in the Groves area of the city and recommends how to respond to them

Background

2. Three petitions were received at 11.10am on Monday, 6 July 2009. The details of the petitions are:
 - i. Neville Street (43 properties) - 32 signatures representing 25 properties on Neville Street, 2 properties on Haxby Road and 1 property on Vyner Street. Residents are opposed to storing unsightly wheeled bins in front forecourts and would prefer to continue with sack collections. Wheeled bins were delivered prior to receipt of the petition.
 - ii. Stanley Street (16 properties - odd numbers) - 8 signatures representing 7 properties. Residents are opposed to storing unsightly wheeled bins in front forecourts and would prefer to continue with sack collections. Wheeled bins were delivered prior to receipt of the petition.
 - iii. Stanley Street (14 properties - even numbers) - 8 signatures representing 8 properties. These properties already use wheeled bins but these are stored at the rear and collected from the back lane. Residents in these properties, however, are opposed to unsightly wheeled bins being stored in front forecourts of properties on the opposite side of Stanley Street (odd numbers).

Update

3. The changes to recycling and residual waste collections in the petition areas have had a mostly positive impact. Wheeled bins have generally been placed neatly at the front of properties for collection. Pavements have not been obstructed with wheeled bins as is sometimes the case with piles of refuse sacks blocking footpaths.
4. Prior to the revised collections there was some question over parked cars posing an potential obstruction. This has not, however, proved to be a significant issue. Also moving to wheeled bins has made the collections quicker in some streets.
5. Predictably there have been some problems with side waste and over filled bins as residents are still adapting to managing their waste over a fortnightly period. But the reduction of sacks on the pavement massively reduced the amount of litter on the streets.

Consultation

6. Further consultation will be undertaken with residents in the petition areas during September once the new collections have had time to settle and the students have returned into the area. This consultation will take the form of 'door knocking' and speaking to residents directly.

Options

7. The following options can be considered in response to the petitions:
8. **Option 1**
9. Continue to monitor residual and recycling collections following revised arrangements coming into place and advise residents who present bins and/or recycling boxes at wrong collection points.
10. Continue with the revised service in the petition areas and gather and analyse the information from the consultation. In the meantime continue with the planned roll out across the city. Any 'lessons learnt' from the consultation will be incorporated into the roll out programme.
11. Bring back a further report to the Executive Member on the outcome of the consultation in the petition area.
12. **Option 2**
13. To acknowledge the petition, but to continue the scheduled roll out to the remainder of the City then revisit the petition area on completion of the roll out.

14. Advise residents, supplied with wheeled bins, that they should continue to use them until the area can be revisited.

Corporate Priorities

15. The Without Walls Sustainable Community Strategy 2008-2025 will provide a sustainable framework which will aim for York to be a city with low levels of pollution and waste production and high levels of recycling. The rollout of kerbside recycling and alternate week collection throughout the city will make a significant contribution to fulfilling this aim.
16. This work contributes strongly to the corporate strategy direction statement of placing environmental sustainability at the heart of everything we do.
17. The rollout of kerbside recycling and alternate week collections throughout the city is an important factor in the delivery of the corporate priority of decreasing the tonnage of biodegradable waste and recyclable products being sent to landfill for disposal.
18. This work also contributes to delivering the aims of the Corporate Sustainability Strategy by reducing York's CO2 emissions, increasing recycling and managing waste to the best practice standards.

Implications

19. Implications of the rollout of kerbside recycling and alternate week collections are:

Financial - Members have approved the budget for the city wide expansion of kerbside recycling and alternate week collections.

Human Resources (HR) - There are no implications in this report.

Equalities - A strategic equality impact review has been undertaken following the corporate model.

Legal - There are no legal implications.

Crime and Disorder - There are no implications in this report.

Information Technology (IT) - There are no implications in this report.

Property - There are no implications in this report.

Risk Management

20. The risks associated with this report are already contained in the Magique Risk Register for Environmental Services.

Recommendations

21. The Executive Member is asked to consider and approve the option 1 indicated in paragraphs 8 to 10 above.
22. Reason: to ensure the issues in the trial area can be addressed in preparation for the roll out to the remainder of the City.

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Sally Burns
Director of Neighbourhood Services

Report Approved

Date 3/9/09

Report Approved

Date *Insert Date*

Specialist Implications Officer(s)

Implication: Technical
Name: Shaun Donnelly
Title: Waste Management Officer
Tel No.: ext. 3200

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

All

For further information please contact the author of the report

Background Papers:

- 'Waste Management Strategy 2007/8 to 2013/14' Executive Report, October 2007.
- 'Waste Management Strategy 2008/2014 - Refresh' Executive Report, September 2008.
- 'Kerbside Recycling: City Wide Expansion 2009 – 2010' Executive Report, 12 May 2009.

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