



Cambridge City Council

Environment and Community Scrutiny Committee

Date: Thursday, 17 January 2019

Time: 5.00 pm

Venue: Committee Room 1 & 2, The Guildhall, Market Square, Cambridge, CB2 3QJ

Contact: democratic.services@cambridge.gov.uk, tel:01223 457000

Agenda

- 1 Apologies for Absence
- 2 Declarations of Interest
- 3 Minutes (Pages 3 - 18)
- 4 Public Questions

Decisions for the Executive Councillor for Streets and Open Spaces

- 5 Fixed Penalty Notices Review 2018/19 (Pages 19 - 34)

Decisions for the Executive Councillor for Environmental Services and City Centre

- 6 Hackney Carriage Table of Fares (Pages 35 - 46)
- 7 Charter For Cleaner Air
Report to follow

Decisions for the Executive Councillor for Communities

- 8 To Note Record of Urgent Decision Taken by the Executive Councillor for Communities: Outcome of Cambridge Live Review (Pages 47 - 52)
- 9 Comprehensive Equalities and Diversity Policy (Pages 53 - 90)
- 10 Community Grants 2019-20 (Pages 91 - 114)

11	S106 Sporting contribution update	(Pages 115 - 124)
12	Review Of Use Of The Regulation Of Investigatory Powers Act	(Pages 125 - 144)

Environment and Community Scrutiny Committee Members: Smart (Chair), Bird (Vice-Chair), Barnett, Gillespie, Martinelli, Massey, McGerty, O'Connell, Sheil and Thittala

Alternates: Gehring, Hipkin, Nethsingha, O'Reilly and Sargeant

Executive Councillors: Moore (Executive Councillor for Environmental Services and City Centre), Smith (Executive Councillor for Communities) and Thornburrow (Executive Councillor for Streets and Open Spaces)

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ENVIRONMENT AND COMMUNITY SCRUTINY COMMITTEE 4 October 2018 5.00 - 8.00 pm

Present: Councillors Smart (Chair), Bird (Vice-Chair), Barnett, Gillespie, Martinelli, Massey, McGerty, O'Connell, Sheil and Thittala

Executive Councillors: Moore (Executive Councillor for Environmental Services and City Centre), Smith (Executive Councillor for Communities) and Thornburrow (Executive Councillor for Streets and Open Spaces)

Officers:

Chief Executive: Antoinette Jackson

Head of Community Services: Debbie Kaye

Head of Legal Practice: Tom Lewis

Head of Shared Waste Service: Trevor Nicoll

Community, Sport & Recreation Manager: Ian Ross

Safer Communities Manager: Lynda Kilkelly

Equality & Anti-Poverty Officer: Helen Crowther

Climate Change Officer: Janet Fogg

Committee Manager: James Goddard

FOR THE INFORMATION OF THE COUNCIL

18/18/EnC Apologies for Absence

No apologies were received.

18/19/EnC Declarations of Interest

Name	Item	Interest
Councillor Thornburrow	18/22/EnC	Personal: Owns a narrow boat that was moored in Horningsea.
Councillor Massey	18/26/EnC	Personal: Abbey Ward Councillor. This is the ward the sport centre is in.

18/20/EnC Minutes

The minutes of the meeting held on 28 June 2018 were approved as a correct record and signed by the Chair, subject to the following correcting:

18/17/E&C Councillor O'Connell - Personal and Prejudicial interest:
Former Council appointed Trustee of Cambridge Live. Would not vote on this item or take part in the discussion.

18/21/EnC Public Questions

There were no public questions in this section of the meeting.

Members of the public asked questions under minute item 18/27/EnC.

18/22/EnC Council Appointments to the Conservators of the River Cam**Matter for Decision**

The three year term of office for the seven Conservators of the River Cam appointed by the City Council (four non-councillor appointments and three City Councillors) would end on 31 December 2018.

The maximum term of office is 3 x three-year terms with thereafter a break period of three years before a re-application can be made.

New appointments are required for the three year term commencing 1 January 2019.

Legislation required the seven city council appointments to be made by the Council on the recommendation of the Executive Councillor.

Decision of Executive Councillor for Streets and Open Spaces

- i. Agreed the recommendation of the non-councillor appointments of Jim Ross, Kate Hurst, May Block and Ceridwen Salisbury to the Conservators of the River Cam commencing 1 January 2019 for Council's approval.
- ii. Noted that Council considers and approves the nominations of three City Councillor appointments (two Labour and one Liberal Democrat appointment) to the Conservators of the River Cam commencing 1 January 2019.

- iii. Undertook to write, on behalf of the Council to all the current non-councillors Conservators whose term will end thanking them for their valuable contribution.

Reason for the Decision

As set out in the Officer's report.

Any Alternative Options Considered and Rejected

Not applicable.

Scrutiny Considerations

This item was not requested for pre-scrutiny.

Councillor McGerty made the following comments in response to the report:

- i. He and other councillors sat on the interview panel.
- ii. There was a good selection of candidates.
- iii. Welcomed the idea of an anonymised selection process in future. It would be a good way to review candidates.

The Committee unanimously resolved to endorse the recommendations.

The Executive Councillor approved the recommendations.

Conflicts of Interest Declared by the Executive Councillor (and any Dispensations Granted)

No conflicts of interest were declared by the Executive Councillor.

18/23/EnC Adoption of Recycling and Waste Operational Policies**Matter for Decision**

The Officer's report sought agreement for a single "Waste Collection Service Policies and Procedures" document setting out the service that Greater Cambridge Shared Waste Service would deliver for the residents of both Cambridge City Council and South Cambridgeshire District Council.

This was a key decision as it would have significant effects on the service budget; and communities living or working in an area that comprises two or more wards.

The report was sent to both Cabinet (SCDC) and Executive Councillor (City Council) for decision. Introduction of chargeable additional garden waste bins was for decision by SCDC only and so not listed in the decision below.

Decision of Executive Councillor for Environmental Services and City Centre

- i. Approved the Officer's report and associated 'Waste Collection Policies and Procedures' document as a whole and in particular the major changes to policy as detailed below:
 - a. Change to monthly organic collection during December, January and February (City only).
 - b. Change to 6am start time for domestic waste services (City only).
- ii. Delegated to the relevant Lead Director and Lead Member in each authority to approve minor updates to this document to ensure operation efficiency and customer satisfaction.

Reason for the Decision

As set out in the Officer's report.

Any Alternative Options Considered and Rejected

Not applicable.

Scrutiny Considerations

The Committee received a report from the Head of Shared Waste Service.

Councillor Martinelli formally proposed to amend recommendations in the Officer's report:

- i. Approved the Officer's report and associated 'Waste Collection Policies and Procedures' document as a whole and in particular the major changes to policy as detailed below:
 - a. Subject to satisfactory alternative arrangements being made for food-waste-only collection from households which don't have green bins and households in flats with communal waste storage in the weeks in which general organic collection is proposed to be withdrawn.**
 - b. Subject to prior member agreement of the areas which will be impacted by collections occurring before 07:00.**

Councillors then discussed the amendment.

The Executive Councillor suggested the amendments would not be practicable.

The Executive Councillor and Head of Shared Waste Service made the following comments in response to the amendments:

- i. Changes were made to collection routes in 2017 to make them more flexible and respond to circumstances that arise on the day eg blocked roads. Waste crews were aware of the new route details.
- ii. The start before 7am had been implemented for staff safety reasons during the extreme heat over the summer. There had only been 2 complaints. Crews were asked to be considerate at all times.
- iii. Changes to monthly organic collection during December, January and February were being trialled this winter. A consultation on the impact would be reported back to Environment and Community Scrutiny Committee in the future.

Opposition Councillors made the following comments in response to the amendments:

- i. The Public were concerned that services were being cut and wanted reassurance that councillors had the situation in hand.
- ii. Residents were concerned that food waste collections would be delayed or cancelled over the winter.
- iii. Preferred a voluntary rather than mandatory withdrawal of green bin collections.
- iv. Expressed a preference for collections after 7am. Asked if there was a way that councillors could pass information onto residents when streets would get collections before 7am.

Labour Councillors made the following comments in response to the amendments:

- i. Expressed concern that collection routes could be approved by councillors. Officers were better placed to make operational decisions.
- ii. Supported a start before 7am collection time to maintain route flexibility.

The Executive Councillor and Head of Shared Waste Service made the following comments in response to Members:

- i. Some green bin rubbish could be put in blue ones eg clean cardboard.
- ii. The cold would freeze food waste in winter so it was unlikely to smell or rot.
- iii. The new collection system was trialled over summer 2018 and no problems were reported. None were expected in winter. Officers would review the situation.

- iv. Councillors would not be asked to agree collection routes due to the size of operations and potential loss of flexibility in the system. Collection routes would be an operational decision.
- v. The service was not reducing. Crews were being freed up so they could join busier routes (instead of continuing on quiet ones) or take holidays (over Christmas in this instance).

The Head of Shared Waste Service said the following in response to Members' questions:

- i. The collection service would be reviewed. Where residents needed something different to the standard service, their needs would be reviewed and a bespoke service be given to that property eg a block of flats. The 'standard service' would suit a majority of peoples' needs.
- ii. Crews would collect fridge-freezers, but not oversized American-style freezers. Retailers had a duty of care to take back old items. This could be communicated to residents.
- iii. 3 fewer collections would be undertaken over the year. This would save fuel costs for vehicles.
- iv. Staff had twice been consulted on the waste service changes:
 - a. Over the summer.
 - b. End of summer when the report came out.

The Committee rejected Councillor Martinelli's amendment by 6 votes to 4.

The Committee resolved by 6 votes to 1 to endorse the recommendations.

The Executive Councillor approved the recommendations.

Conflicts of Interest Declared by the Executive Councillor (and any Dispensations Granted)

No conflicts of interest were declared by the Executive Councillor.

18/24/EnC Annual Climate Change Strategy, Carbon Management Plan And Climate Change Fund Update Report

Matter for Decision

The Officer's report provided an update on progress during 2017/18 on actions to deliver the five objectives of the City Council's Climate Change Strategy 2016-21. As part of this, the report included an update on progress in implementing the Council's Carbon Management Plan which detailed the actions the Council would take to reduce carbon emissions from its estate and operations.

Decision of Executive Councillor for Environmental Services and City Centre

- i. Noted the progress achieved during 2017/18 in implementing the Climate Change Strategy and the Carbon Management Plan (also at Appendix (a) of the Officer's report).
- ii. Approved the updated Environment Policy Statement at Appendix (b) of the Officer's report.
- iii. Noted the Climate Change Fund Expenditure Status Report at Appendix (f) of the Officer's report.
- iv. Approved the new adaptation actions as set out in section 3.50 of the Officer's report.

Reason for the Decision

As set out in the Officer's report.

Any Alternative Options Considered and Rejected

Not applicable.

Scrutiny Considerations

The Committee received a report from the Climate Change Officer.

The Committee made the following comments in response to the report:

- i. Suggested businesses could be encouraged to take action to reduce their carbon footprint like the council. Such as investing in electric vehicles/bikes and zip car pools.
- ii. Supported work to reduce food waste.
- iii. Suggested looking into opportunities and consulting stakeholders on what to provide.
- iv. It was urgent that action was taken as the effects of climate change were becoming permanent eg global warming.
- v. The Council has set a target in the Carbon Management Plan 2016-2021 to reduce carbon emissions from its buildings and services by 15% by the end of March 2021, with an aspiration to reduce emissions by 20% over this period. It had achieved 18% reduction in emissions already, so would the target be revised?

The Climate Change Officer said the following in response to Members' questions:

- i. The council would consider getting more electric bikes in future. It was trialling use of the 2 that had been bought for Cowley Road to see if there was demand for any more.

- ii. The aim was to replace petrol/diesel vehicles with electric ones, where possible, in future at the vehicles' end of life.
- iii. The City Council, County Council and University were undertaking a joint tender to procure a car club which would be available for use by staff and residents.
- iv. Undertook to liaise with the Waste Team about whether they currently or plan to include in awareness raising promotions - the use of milk delivery services, which provide milk in glass bottles as opposed to milk purchased in plastic bottles, which then need to be recycled.

The Head of Corporate Strategy said the council's carbon emission reduction target would not be revised. The Council would aim to exceed the 20% target if possible, action would not stop if the 20% aspirational target was achieved before March 2021.

The Executive Councillor said:

- i. A rapid charging point for taxis opened 4 October 2018.
- ii. Climate change was an important issue. She offered to liaise with Councillor Gillespie in future regarding:
 - a. Electric vehicles.
 - b. Arrangements for a climate change speaker event (together with the Executive Councillor for Streets and Open Spaces).

The Committee unanimously resolved to endorse the recommendations.

The Executive Councillor approved the recommendations.

Conflicts of Interest Declared by the Executive Councillor (and any Dispensations Granted)

No conflicts of interest were declared by the Executive Councillor.

18/25/EnC PSPO (Touting) 2016: Year Two

Matter for Decision

An update report on the Public Spaces Protection Order (PSPO) (Touting) 2016 was taken to Strategy and Resources Scrutiny Committee in October 2017. The current report reviewed actions taken since October last to deliver on the decisions of the Executive Councillor at that time.

The report set out options available to the Council for the future of the PSPO (Touting) 2016, explaining the legal requirements of both extending the order beyond the statutory three year period or allowing the PSPO to lapse.

Decision of Executive Councillor for Communities

Agreed to:

- i. Continue the PSPO (Touting) 2016 in its current form.
- ii. Review the PSPO (Touting) 2016 in April/May 2019 in advance of the order reaching its 3 year maximum duration, in accordance with the legal requirements of the Anti-social Behaviour, Crime and Policing Act 2014.

Reason for the Decision

As set out in the Officer's report.

Any Alternative Options Considered and Rejected

Not applicable.

Scrutiny Considerations

The Committee received a report from the Safer Communities Manager.

The Committee made the following comments in response to the report:

- i. Supported the PSPO.
- ii. Queried if people were given warnings before fines were issued.

The Safer Communities Manager said warnings were given before fixed penalty notices were issued.

The Committee unanimously resolved to endorse the recommendations.

The Executive Councillor approved the recommendations.

Conflicts of Interest Declared by the Executive Councillor (and any Dispensations Granted)

No conflicts of interest were declared by the Executive Councillor.

18/26/EnC S106 Funding Proposal At Abbey Sports Centre

Matter for Decision

To supplement the specific S106 contributions collected for the on-going upgrade of floodlighting at the existing artificial sports pitch at Abbey Sports Centre with generic outdoor sports S106 contributions (instead of using Council revenue funding).

Decision of Executive Councillor for Communities

Approved the use of up to £30,000 of generic allocations of generic outdoor sports S106 contributions from Abbey ward in order to supplement specific S106 contributions for upgrading the floodlighting for the artificial pitch at Abbey Sports Centre.

Reason for the Decision

As set out in the Officer's report.

Any Alternative Options Considered and Rejected

Not applicable.

Scrutiny Considerations

The Committee welcomed the report from the Community, Sport & Recreation Manager.

The Committee unanimously resolved to endorse the recommendation.

The Executive Councillor approved the recommendation.

Conflicts of Interest Declared by the Executive Councillor (and any Dispensations Granted)

No conflicts of interest were declared by the Executive Councillor.

18/27/EnC Equalities Policy and Strategy**Matter for Decision**

The Council's Comprehensive Equalities and Diversity Policy set out the Council's commitment to promoting equality and diversity, including through its role as an employer and a provider of services to the public. A revised and updated version of the policy was presented for approval in Appendix A of the Officer's report.

The Council developed a new Single Equality Scheme (Appendix C of the Officer's report), which set out how the organisation would challenge discrimination and promote equal opportunities in all aspects of its work over the next 3 years (2018-2021). It included five strategic objectives that demonstrated how the organisation would meet the aims of the Public Sector Equality Duty. The Single Equality Scheme was developed based on the principles and policies set out in the Comprehensive Equalities and Diversity Policy.

Decision of Executive Councillor for Communities

- i. Approved the revised Comprehensive Equalities and Diversity Policy set out in Appendix A of the Officer's report, as amended to include reference to "services and employment exception" instead of "single sex exemption".
- ii. Approved the Single Equality Scheme 2018-2021 at Appendix C of the Officer's report.

Reason for the Decision

As set out in the Officer's report.

Any Alternative Options Considered and Rejected

Not applicable.

Public Question

Members of the public asked a number of questions, as set out below.

1. Sarah Brown raised the following points to express concern about the Council's Comprehensive Equalities and Diversity Policy:
 - i. The changes to the Policy [detailed in pages 6 to 8 in the Equalities Policy and Strategy Committee report] symbolize a reduction in support for the LGBT community. The Council made the LGBT community feel more welcome in the past when the provisions relating to transgender people were first implemented, which Ms Brown helped bring about in her role as councillor back in 2010. The community did not feel welcome following the proposed changes to the Policy.
 - ii. As a result of this symbolism, transgender people and women who look more masculine will be at risk of harassment in public toilets and challenged for using toilets of their choosing.
 - iii. Expressed concern about how the Council would implement the equalities policy and expressed that the changes to the Policy reflect that the Council will do the bare minimum required by the Equality Act 2010 when it should go further as part of its Public Sector Equality Duty. The law is a limit not a target, and the provisions in 2010 were not 'fettering our discretion' as external legal advice the Council received claimed. Targets do not fetter discretion.
 - iv. Requested that the Policy's implementation be deferred

The Executive Councillor responded:

- i. Comments in the press were unhelpful and caused distress. She took strong issue with this.

- ii. Once the question of equality policy compliance with legislation had been raised, officers took advice on how to ensure we were compliant as language in the Council's equality policy needed to reflect language in the legislation. The Council was not changing its policy, just the language used.
- iii. The legal advice given to Council was that services and employment exceptions needed to be included in the equalities policy or the Council would fetter its discretion (reference paragraph 3.15, p141 of the Officer's report). The exceptions would only be applied in exceptional circumstances. It had always been in place, but officers did not expect to use it. There had been no requests to use it to date.
- iv. Undertook to do communication work to ensure people were clear about the equalities policy, and to counter any negative press articles.
- v. The Council was only making changes to comply with the law.

Sarah Brown raised the following supplementary points:

- i. The Equality Act was in place to protect individuals.
- ii. The option to exclude people was only an option. The Equality Act 2010 is civil support and you cannot sue someone under the Equality Act for failing to exclude them.
- iii. The Council should try to do better than the law on non-discriminatory policies.
- iv. The language changes were acceptable.

The Executive Councillor responded:

- i. The service and employment exception existed in and would only be applied as an option if necessary. There had been no requests to do so to date.
- ii. Officers had sought counsels opinion on the implications of the legislation in addition to in-house legal advice. The Council remained committed to meeting the needs of all people.

2. Emma Martin raised the following points:

- i. Was employed as a Clinical Psychologist and trainer in gender identification issues.
- ii. There was huge confusion in the definition of how things were written between sex and gender. You cannot change gender in the same way as you can change sex.
- iii. Changing legislation wording from "gender" to "sex" had caused a national outcry in the Equality Act 2010.
- iv. Expressed concern the city was going backwards in attitude as a result in the Council's change in policy.

The Executive Councillor responded:

- i. The Officer's report was based on legal advice.
- ii. The Council was a statutory body who had to respond to changes in legislation and to be compliant with the Equality Act.

The Head of Legal Practice confirmed that the City Council had to make changes to its equality policy to be compliant with Equality Act legislation.

Emma Martin raised the following supplementary points:

- i. Queried if the City Council had checked with other local authorities to see if their policy language was compliant with legislation.
- ii. Offered her services as a gender identification trainer.

The Executive Councillor noted the offer of training.

The Chief Executive said the City Council had checked with other local authorities. The language in their policies was compliant with the Equality Act.

Scrutiny Considerations

The Committee received a report from the Chief Executive and Equality & Anti-Poverty Officer. The Chief Executive proposed an amendment to the draft policy on p151 of the Officer's report to replace the words "single sex exemption" with the words "services and employment exceptions".

The Committee made the following comments in response to the report:

- i. Expressed concern about misrepresentation of issues in the media.
- ii. Welcomed the Council's commitment to:
 - a. The Single Equality Scheme.
 - b. Safer spaces.
 - c. Tackling loneliness.
 - d. The Domestic Abuse Housing Alliance
 - e. Help people access mental health services.

Councillor O'Connell made the following comments in response to the report:

- i. Wording – "sex" versus "gender" – this was uncontroversial and she had no problem with it..
- ii. Expressed concern about:
 - a. Changing the ordering of the protected characteristics listed in the first page of the Comprehensive Equalities and Diversity Policy, as this was presentational and not in strict keeping with what was required by legislation.

- b. Use of employment and service exemptions in the Equalities Act.
- iii. Less concerned about changes to policy, more concerned about how we got there by not consulting on the changes to the Policy.
- iv. Accepted that Officers had the right intentions but expressed concern that Trans People experienced hostility across the country, which led Councils to perceive the minimum requirements in the Equality Act 2010 as all that can be done. The City Council policy could cause problems for the future if there was a change in Council Officers and Councillors who were not sympathetic to transgender people's needs.
- v. Referenced paragraphs 3.14 – 3.18 in the Officer's report. The employment and service exceptions caused concern due to references of "sex" instead of "gender".
- vi. Took issue with Counsel's legal advice.
- vii. 8 days (between publication of agenda and committee) was not enough time to scrutinise the issue.

In response to the report Councillors O'Connell and Gillespie asked if a decision on changing the policy wording could be deferred. They suggested consulting on wording to be implemented to see if it could be improved.

The Equality & Anti-Poverty Officer said the following in response to Members' questions:

- i. There have been some comments made by members of the public expressing concern about how the Policy will impact on them. Some issues such as access to toilets had been misrepresented in the press. A public consultation will allow us to explore issues associated with implementing the Policy.
- ii. Over the last 8 years, changing rooms in council managed community centres (overseen by GLL) had positive feedback on access by all members of the community. For changing rooms and toilets in council managed community centres (overseen by GLL) officers have had positive feedback over the last 8 years on access by all members of the community. This was monitored through Customer Services.
- iii. Undertook to liaise with Councillors after the meeting on actions to tackle loneliness.
- iv. Corrected typographical errors in the report:
 - a. 3.7 The Council has sought legal advice, ...key issues from this advice are summarised in paragraphs 3.7 to **-3.18** below.
 - b. Paragraphs 4.4 and 4.5: References to "Strategy" should read "Scheme".
 - c. Appendix B page 170 of the public papers the sentence reading "The Council has not received any positive feedback or complaints

from transgender people accessing the services above 2010” should read “... After 2010.”

The Chief Executive said the following in response to Members’ questions:

- i. The Council needed to comply with legislation and have appropriate policy wording.
- ii. The Council would consult on the implementation of the Comprehensive Equalities and Diversity Policy. A report would then be brought back to Environment and Community Service Committee on the consultation.
- iii. Officers did not want to fetter the Council’s discretion by specifying actions now where the employment and services exceptions would not apply. Any changes to the Policy’s wording suggested as a result of the consultation would need to comply with the Equality Act.

The Head of Legal Practice said the Council could not avoid the need for legal compliance. The policy text had to change from “gender” to “sex”. The Council could listen and engage with the public, but could not change details that were needed to comply with legislation. The Council would be open to challenge if it did nothing when it had been given clear legal advice to take action.

- iv. It would not be practicable for Councillors to have oversight of service and employment exceptions (reference paragraph 3.3 of the Officer’s report).
- v. The Council would undertake communication to say what it was doing to make people safe in referring to actions under the Single Equality Scheme. For example, improving CCTV and Safer Spaces.
- vi. Complaints about services were monitored and reported to the Civic Affairs Committee.

The Chief Executive had proposed an amendment to text on p151 of the Officer’s report. Text should read “services and employment exceptions” instead of “single sex exemption” as it is the former phrase that is consistent with the legislation.

The Committee approved this amendment by 6 votes to 0.

The Chair decided that the recommendations highlighted in the Officer’s report should be voted on and recorded separately:

The Committee endorsed recommendation (i) (as amended) by 6 votes to 4.

The Committee unanimously endorsed recommendation (ii).

The Executive Councillor approved the recommendations.

Conflicts of Interest Declared by the Executive Councillor (and any Dispensations Granted)

No conflicts of interest were declared by the Executive Councillor.

The meeting ended at 8.00 pm

CHAIR



Item

FIXED PENALTY NOTICES REVIEW 2018/19

To:

Councillor Katie Thornburrow, Executive Councillor for Streets and Open Spaces

Environment & Community Scrutiny Committee 17/01/2019

Report by:

Wendy Johnston, Community Engagement and Enforcement Manager,
Joel Carre, Head of Environmental Services

Tel: 01223 - 458578 Email: wendy.johnston@cambridge.gov.uk

Wards affected:

All

Not a Key Decision

1. Executive Summary

The purposes of this report are:

- a) To inform the Executive Councillor and Scrutiny Committee Members of the revised fixed penalty notice (FPN) levels for environmental crimes, namely commercial waste receptacles, flyposting, graffiti, that came into force under The Environmental Offences (Fixed Penalties) (England) Regulations 2017 (The 2017 Regulations) on the 1 April 2018, the revised FPN levels for community protection notices under the Anti-social Behaviour, Crime and Policing Act 2014 (The 2014 Regulations) and the revised FPN levels for domestic waste offences as amended by the Deregulation Act 2015 (The 2015 Regulations).
- b) To seek authority to revise the current fixed penalty for offences related to commercial waste receptacles, flyposting, graffiti, community protection notice and domestic waste offences to the new legal maximum FPN level; and to give a discount of 40% (i.e. discounted fine value) for early payment provided payment is made within 10 days of the date the FPN was issued.

2. Recommendations

The Executive Councillor is recommended to:

- a) Adopt the new legal maximum fixed penalty notice (FPN) level for offences related to commercial waste receptacles, flyposting, graffiti, community protection notice and domestic waste offences and to give a discount of 40% (i.e. discounted fine value), for early payment provided payment is made within 10 days of the date the FPN was issued, as detailed in the following table.

Offence	Maximum new fine level	Proposed discounted fine level	Summary of proposed fine amendment
Commercial waste receptacles	£110	£66	Increase of £10 to maximum fine level and £6 to discounted fine level
Flyposting	£150	£90	Increase of £75 to maximum fine level and setting of a discounted fine level
Graffiti	£150	£90	
Community protection notices	£100	£60	Increase of £40 to maximum fine level and £10 to discounted fine level
Domestic waste offences	£80	£48	Setting of a maximum and discounted fine level

3. Background

- 3.1. Littering, fly tipping and associated environmental offences, like side waste and flyposting, blight communities and impose avoidable costs on the public purse. They also undermine the actions of legitimate residents and businesses, where unscrupulous and irresponsible operators avoid paying legitimate waste disposal costs and so undercut those that operate within the law.

- 3.2. On the 1 April 2018, The Environmental Offences (Fixed Penalties) (England) Regulations 2017 (The 2017 Regulations) came into effect. This change in legislation gave local authorities the ability to raise fixed penalty notices (FPNs), from the current levels to a new maximum (varies depending on the offence), with a reduction for early payment. This is subject to the discretion of the local authority. Fixed penalty notices revised under the 2017 Regulations are detailed below:

Offence	Current fine level	Proposed fine level	Current discounted	Proposed Discounted
Commercial waste receptacles	£100	£110	£60	£66
Flyposting	£75	£150	None	£90
Graffiti	£75	£150	None	£90

- 3.3. Prior to the 2017 Regulations, the levels for fixed penalties for commercial waste receptacles, flyposting, graffiti had not changed since 2006 and were out of line with inflation, and practice in other parts of the UK.
- 3.4. The 2015 Regulations amended the penalty for domestic waste receptacles and reduced the maximum amount of the penalty to £80 (from £100). No penalty has previously been set under the 2015 Regulations by the Council; and so, it is proposed to now adopt the maximum of £80 and offer an early repayment rate of £48.
- 3.5. The 2014 Regulations introduced both the Public Spaces Protection Order and the Community Protection Notice FPNs. The default value of £75 has been set previously, so that the FPN was in line with littering. It is therefore proposed to increase the FPN for Community Protection Notices to £100.
- 3.6. A Community Protection Notice (CPN) is aimed to prevent unreasonable behaviour that is having a negative impact on the local community's quality of life. Any person aged 16 years or over can be issued with a notice, whether it is an individual or a business, and it will require the behaviour to stop and if necessary reasonable steps to be taken to ensure it are not repeated in the future. To date they have been used by the council for measures such as not having dogs under control when being walked, failing to clear up litter from customers of a business and not using waste bins correctly.

- 3.7. There is the potential to increase FPNs related to Public Spaces Protection Notices. The current fine level for Public Spaces Protection Orders are £75 and the maximum fine level available is £100. However, to increase the limit would require changes to the council's existing Public Space Protection Orders (dog control, street drinking and punt touting), as changes to the FPN would be seen as a 'variation' to the order, and would require a new period of consultation for each order. It is not recommended to consider this at the current time, as the actions required in order to amend the order and signage would be resource-intensive, both in terms of time and money, and would not be offset by any potential increase in FPN income. As each Public Space Protection Order lasts for a maximum of three years the fixed penalty for each order could be reviewed at such a time that an order is reviewed.
- 3.8. In June 2016, FPNs were introduced by the council, as an alternative to prosecution, for small scale fly tipping that came into force under The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016. In introducing FPNs for small scale fly tipping, the Council adopted the upper limit level of £400 and to give discount of £240 for payment within ten days. In accordance with the City Council's June, 2016, decision to adopt the FPN upper limit level for small scale fly tipping and the July 2018 decision to adopt the FPN upper limit for littering, it is proposed that the City Council also adopt the upper limit charge level for all available environmental offences as detailed in 2A. The following table shows the previously adopted maximum and discounted fine levels for littering and small scale fly tipping, which remain in place, unchanged.

Offence	Current fine level	Current discounted
Fly tipping	£400	£240
Littering	£150	£90

- 3.9. Defra (Department of Environment, Food and Rural Affairs) has indicated that it recognises that increasing the level of fixed penalties may create the perception that fixed penalties could be used to generate income for councils. Defra's view is clear that fixed penalties should not be used in this way, and has given a public commitment to publish improved guidance on the proportionate use of these enforcement powers. In accordance with the Environmental Protection Act 1990 the income received by local authorities from FPN's has to be

spent on functions relating to litter, dog fouling and cleansing. It is not to be used as a means of generating income for other uses.

- 3.10. In determining the appropriate level of a fixed penalty, the council will need to take into account the deterrent effect of different levels, peoples' readiness to pay and the levels of fines currently imposed in the magistrates' courts. Fixed penalties that are set too high for local conditions, or are likely to be higher than the Court imposed fine in the event of non-payment, will lead to substantial non-payment rates and so are counter-productive.
- 3.11. There is a set legal standard payment period of 14 days for the payment of fixed penalties. Once an FPN has been issued, an authority cannot prosecute for the alleged offence if the fixed penalty is paid within this period, and this must be stated on the notice itself. For this reason, the period during which a discount for early payment is offered must be less than 14 days and in line with the Regulations cannot be more than 10 days. Again, this will be consistent with the standards set by other local authorities and the approach already in place for other environmental crime fixed penalty notices.
- 3.12. FPNs are not appropriate for repeat offenders or those responsible for large-scale environmental offences, the offences involving hazardous waste, for those who are non-compliant or those who do not wish to be issued a FPN. These types of offences will continue to be enforced by prosecution in line with the Corporate Enforcement Policy.
- 3.13. The intention is that the revised fixed penalties will act as a deterrent to offenders; and that local authorities using them will see a decrease in the number of environmental crime incidents and the number of prosecutions for these offences.
- 3.14. FPN's are an effective and visible way of dealing with low level environmental crime and will be supported by the public, provided they are used sensibly, enforced fairly and are seen as a reasonable response to genuine problems.
- 3.15. The council has already approved the use of FPNs as an alternative to prosecutions when dealing with other environmental crimes including littering, dog fouling, illegal advertising and abandoned vehicles. These FPNs are issued by authorised officers within the Council's Streets and Open Spaces service. The same authorised officers will continue to

be responsible for issuing FPNs for offences related to commercial waste receptacles, flyposting, graffiti, community protection notice and domestic waste offences.

- 3.16. The council's revised FPN powers will continue to be used as part of the package of enforcement options available in accordance with the council's Corporate Enforcement Policy.
- 3.17. The council will continue not to accept payment by instalments or payment plans. Payment for fixed penalties can only be accepted by the council for the full amount. However in cases of extreme financial difficulties, officers will continue to have discretion to be able to extend the lower threshold payment period (subject to legal restrictions), and will work together with those issued fixed penalties to avoid prosecution where possible.

4. Implications

(a) Financial Implications

Page:

6

The use of FPNs has the potential of yielding a modest income. In accordance with the Environmental Protection Act 1990, FPN receipts will be used for the purpose of exercising functions to improve street cleanliness and enforcement of offences; it is not being regarded as an 'income generator'. It is not envisaged that the revenue generated from the fines will be significant, but it will reduce the need to pursue costly prosecution in some cases and enable a more flexible approach in dealing with specific offences.

(b) Staffing Implications

The revision of the fixed penalties for environmental crimes and offences will be achieved within existing resources.

(c) Equality and Poverty Implications

An EQIA has been completed please see attached appendix A.

The impact on businesses, charities or voluntary bodies is expected to be positive, as these proposals should act as a deterrent to those committing environmental crime.

(d) Environmental Implications

There are no adverse environmental implications. The revision for FPNs will continue to deliver a net positive climate change impact, through the reduction in environmental crime and associated additional vehicle movements required to clear and dispose of it. A reduction in environmental crime will also deliver an increase in the quality of the local environment, a reduction in associated environmental pollution and contamination and associated improvements in public perception, health, civic pride and inward investment.

(e) Procurement Implications

No procurement is necessary for the revised level of FPNs. Any procurement involved in delivering the associated enforcement service will be undertaken in accordance with the procurement and financial regulations of the council.

(f) Community Safety Implications

There are no adverse community safety implications.

(g) Consultation and communication considerations

FPNs are an accepted means of discharging liability to deal with small scale environmental crime and have been used by the council, in accordance with national legislation and corporate policy, for more than 10 years.

As the proposed FPN level changes are made in accordance with legislation, no consultation is considered necessary. Central government issued a consultation document in April 2017, on the proposed 2017 Regulations, which ran for 10 weeks. The consultation document sought the public's views on whether to increase the levels for fixed penalties.

The introduction of the new legislation and adopted penalty changes will be advertised to the wider city community through news releases, social and web media and inclusion in future environmental campaigns

The Council departments and officers who will be responsible for the delivery of this enforcement procedure have been consulted.

6. Background papers

These background papers were used in the preparation of this report:

- Council's Corporate Enforcement Policy - <https://www.cambridge.gov.uk/content/enforcement-policy>
- Council Constitution - <https://www.cambridge.gov.uk/constitution>
- The Environmental Offences (Fixed Penalties) (England) Regulations 2017 - <http://www.legislation.gov.uk/uksi/2017/1050/contents/made>
- Explanatory Memorandum to The Environmental Offences (Fixed Penalties) (England) Regulations 2017
http://www.legislation.gov.uk/uksi/2017/1050/pdfs/uksiem_20171050_en.pdf
- The Deregulation Act 2015 - <http://www.legislation.gov.uk/ukpga/2015/20/section/58/enacted>
- Anti-social Behaviour, Crime and Policing Act 2014 - <http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>

7. Appendices

Appendix A: EqlA – Review of fixed penalties 2018/19

8. Inspection of papers

To inspect the background papers or if you have a query on the report please contact Wendy Johnston, Community Engagement and Enforcement Manager, tel: 01223 - 458578, email: wendy.johnston@cambridge.gov.uk.



Cambridge City Council Equality Impact Assessment (EqIA)

This tool helps the Council ensure that we fulfil legal obligations of the [Public Sector Equality Duty](#) to have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Guidance on how to complete this tool can be found on the Cambridge City Council intranet. For specific questions on the tool email Helen Crowther, Equality and Anti-Poverty Officer at equalities@cambridge.gov.uk or phone 01223 457046. Once you have drafted the EqIA please send this to equalities@cambridge.gov.uk for checking. For advice on consulting on equality impacts, please contact Graham Saint, Strategy Officer, (graham.saint@cambridge.gov.uk or 01223 457044).

1. Title of strategy, policy, plan, project, contract or major change to your service:
Fixed penalty notices review 2018/19
2. Webpage link to full details of the strategy, policy, plan, project, contract or major change to your service (if available)
Not yet available
3. What is the objective or purpose of your strategy, policy, plan, project, contract or major change to your service?

New powers to revise the fixed penalty notice (FPN) levels for environmental offences for commercial waste, flyposting and graffiti have come into force under the [The Environmental Offences \(Fixed Penalties\) \(England\) Regulations 2017](#).

In line with setting the fixed penalty levels for environmental offences the fines for Community Protection Notices (under the [Anti-social Behaviour, Crime and Policing Act 2014](#)) and domestic waste offences (under the [Deregulation Act 2015](#)) are also being reviewed.

The council is seeking to use the maximum fixed penalty notice levels and to give a discount of 40% for early payment provided payments are made within 10 days (the process in line with all other council issued fixed penalty notices).

In June 2016, FPNs were introduced by the council, as an alternative to prosecution, for small scale fly tipping as an alternative to prosecution, diverting these cases away from the Magistrates and Crown courts. In accordance with the City Council's June, 2016, decision to adopt the FPN upper limit level for small scale fly tipping and the July 2018 decision to adopt the FPN upper limit for littering, it is proposed that the City Council also adopt the upper limit charge level for all available environmental offences as detailed in the paper.

FPN's are an effective and visible way of dealing with low level environmental crime and will be supported by the public provided they are used sensibly, enforced even hand and are seen as a response to genuine problems.

The Council has already approved the use of FPNs as an alternative to prosecutions when dealing with other environmental crimes including litter, dog fouling, illegal advertising and abandoned vehicles. Income from FPN's has to be spent on functions related to cleansing such as litter picking as specified by legislation. It is not a means of generating income for other uses.

The revised fixed penalty notices will not be appropriate for operators in the waste management industry, repeat offenders or those responsible for large-scale fly tipping, or the fly tipping of hazardous waste. These types of offences will continue to be enforced by using existing prosecution powers.

It is envisaged that this new power will be used as part of the package of enforcement options available in accordance with the Council's adopted Enforcement Policy.

4. Responsible Service

Streets and Open Spaces, Environmental Services

<p>5. Who will be affected by this strategy, policy, plan, project, contract or major change to your service? (Please tick those that apply)</p> <p><input checked="" type="checkbox"/> Residents of Cambridge City</p> <p><input checked="" type="checkbox"/> Visitors to Cambridge City</p> <p><input type="checkbox"/> Staff</p> <p>Please state any specific client group or groups (e.g. City Council tenants, tourists, people who work in the city but do not live here):</p> <p>Businesses operating in or around city, any tourists or individuals or visitors that travel through the city or land over which Cambridge City Council is responsible for within the administrative boundary of Cambridge.</p>
<p>6. What type of strategy, policy, plan, project, contract or major change to your service is this? (Please tick)</p> <p><input type="checkbox"/> New</p> <p><input type="checkbox"/> Major change</p> <p><input checked="" type="checkbox"/> Minor change</p>
<p>7. Are other departments or partners involved in delivering this strategy, policy, plan, project, contract or major change to your service? (Please tick)</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes (Please provide details):</p> <p>All council officers and external agencies who are involved with evidence gathering can be involved with fly tipping investigations, including but not limited to Cambridgeshire Police, Environment Agency, Cambridgeshire Fire and Rescue.</p>
<p>8. Has the report on your strategy, policy, plan, project, contract or major change to your service gone to Committee? If so, which one?</p> <p>Not yet, due 17 January 2019 at Environment and Community Scrutiny Committee</p>
<p>9. What research methods/ evidence have you used in order to identify equality impacts of your strategy, policy, plan, project, contract or major change to your service?</p> <p>None – this is a minor operational change to bring about FPNs in line with the 2016 and 2018 decisions on using the maximum fine level. Please see section 10(j) for information relating to payment troubles that may be encountered.</p>

10. Potential impacts

For each category below, please explain if the strategy, policy, plan, project, contract or major change to your service could have a positive/ negative impact or no impact. Where an impact has been identified, please explain what it is. Consider impacts on service users, visitors and staff members separately.

(a) Age

Note that this refers to any group of people of a particular age (e.g. 32 year-olds) , or within a particular age range (e.g. 16-24 year-olds) – in particular, please consider any safeguarding issues for children and vulnerable adults

Data for this characteristic is not held for environmental offences.

(b) Disability

Note that a person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Data for this characteristic is not held for environmental offences.

(c) Gender reassignment

Data for this characteristic is not held for environmental offences.

(d) Marriage and civil partnership

Data for this characteristic is not held for environmental offences.

(e) Pregnancy and maternity

Data for this characteristic is not held for environmental offences.

(f) Race

Note that the protected characteristic 'race' refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Data for this characteristic is not held for environmental offences.

(g) Religion or belief

Data for this characteristic is not held for environmental offences.

(h) Sex

Data for this characteristic is not held for environmental offences.

(i) Sexual orientation

Data for this characteristic is not held for environmental offences.

(j) Other factors that may lead to inequality – in particular – please consider the impact of any changes on low income groups or those experiencing the impacts of poverty

Data for similar offences of environmental offences do not hold records of any of the above characteristics, so it is not possible to quantify / consider how specific groups might or might not be affected in Cambridge.

All enforcement action is undertaken in accordance with the council's [Corporate Enforcement Policy](#). The revised fixed penalty notices will offer individuals and businesses the opportunity to pay a monetary fine, and in turn discharge their liability to prosecution (they will not end up with a criminal record). The continuation of an early repayment amount of 40% offers a lower threshold that individuals and businesses can also take advantage of, reducing financial impacts.

The council does not offer payment by instalments or payment plans. Payment for fixed penalties can only be accepted for the full amount. However in cases of extreme financial difficulties, officers have discretion to be able to extend the lower threshold payment period (subject to legal restrictions), and will work together with those issued fixed penalties to avoid prosecution where possible.

11. Action plan – New equality impacts will be identified in different stages throughout the planning and implementation stages of changes to your strategy, policy, plan, project, contract or major change to your service. How will you monitor these going forward? Also, how will you ensure that any potential negative impacts of the changes will be mitigated? (Please include dates where possible for when you will update this EqlA accordingly.)

As this is a minor change, no further amendments to the FPNs will be made. Individual cases will continue to be dealt with on a case by case basis where people end up with financial difficulties.

12. Do you have any additional comments?

All communication by the Streets and Open Spaces Operations team is undertaken in accordance with the [Service Standards](#) which details what customers can expect of us. Usage and payment of new FPNS will be monitored and the EqlA kept under review as required.

13. Sign off

Appendix

Name and job title of lead officer for this equality impact assessment: Wendy Johnston, Community Engagement and Enforcement Manager

Names and job titles of other assessment team members and people consulted:

Date of EqlA sign off:

Date of next review of the equalities impact assessment:

All EqlAs need to be sent to Helen Crowther, Equality and Anti-Poverty Officer. Has this been sent to Helen Crowther?

☐ Yes

☐ No

Date to be published on Cambridge City Council website:

Item

HACKNEY CARRIAGE TABLE OF FARES

To: Councillor Rosy Moore, Executive Councillor for Environmental Services and City Centre

Environment and Community Scrutiny Committee 17/1/19

Report by:

Yvonne O'Donnell, Environmental Health Manager

Tel: 01223 - 457951

E-mail: yvonne.odonnell@cambridge.gov.uk

Wards affected: All

1. Executive Summary

- 1.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 provides that in respect of the charges for Hackney Carriages, the Council "*may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle...by means of a table*".
- 1.2 The existing Table of Fares came into effect on the 13th January 2018 and is attached to this report as Appendix A.
- 1.3 Fares comprise of charges for:
 - **Distance Travelled** – 3 tariffs, dependent on the time of day and the day of the week;
 - **Waiting Time**;
 - **Extra Charges**, which include:
 - Journeys with 5 or more passengers
 - Bicycles not able to put in the luggage compartment
 - A potential fuel surcharge
 - A vehicle unfit to continue working charge;

- 1.4 On 29th August 2018 Cambridge City Licensed Taxis Ltd (CCLT) requested a Fare Increase of 2.74%. A copy of email with this request is attached as Appendix B. Subsequent discussions with CCLT have confirmed they would be willing to use the current Consumer Price Index when determining the fare increase.
- 1.5 The correspondence received made a further request regarding fare increase; that Cambridge City Council undertakes an automatic annual review of Hackney Carriage Fares, on a set date, without a request to do so being submitted.

2. Recommendations

2.1 The Executive Councillor is recommended to:

2.1.1 Consider the fare charge increase request and determine if it is appropriate to consult on the proposed fares in Appendix C with the increase taking effect from 1 April 2019.

2.1.2 Agree to implement an automatic annual fare review in line with the Consumer Price Index at that time and delegate this annual review and implementation to the Head of Environmental Services on condition that:

- A) That the consultation takes place in early March each year with the adopted fares coming into effect from 1st April each year.
- B) That the rate of fare increase be based on the Consumer Price Index rate published by the Bank of England on 1 March each year, and then rounded to a practical figure.
- C) Any future request for an increase greater than CPI be decided by the Executive Councillor

3. Background

Request to Increase the Hackney Carriage Table of Fares

3.1 At its meeting on 30th January 2012, the Licensing Committee resolved to “*determine any future amendment to the Table of Fares by using the percentage increase as calculated by Transport for London*”.

- 3.2 Previous decisions regarding the Table of Fares have been undertaken by the Licensing Committee. However, a recent review of the legal opinion, has confirmed that decisions regarding the Table of Fares are for the Executive.
- 3.3 On 29th August 2018 Cambridge City Licensed Taxis Ltd (CCLT) requested a Fare Increase of 2.74% (Appendix B), to match the Consumer Price Inflation rate in 2017. Subsequent discussions have confirmed that CCLT would be content with an increase based on the current rate of inflation.
- 3.4 The table below indicates the current tariffs and the tariffs following an increase of 2.4%; the current Bank of England Consumer Price Index (CPI). The table shows the proposed rate as a rounded figure, which would enable passengers and drivers to manage cash handling more effectively.

	Current Rate	2.4% Increase	Proposed Rate
Tariff 1	£2.90	£2.97	£3.00
Tariff 2	£3.90	£3.99	£4.00
Tariff 3	£4.90	£5.02	£5.00

- 3.5 Private Hire & Taxi Monthly publish a monthly 'league table' of Taxi Fare Tables across all of the 366 Councils. As of December 2018, Cambridge City is ranked 64th in the table with a price of £6.50 for a 2 mile taxi journey.

Request to Undertake an Automatic Annual Review of the Hackney Carriage Table of Fares on a Set Date

- 3.6 Currently, there is no set timetable for the review of the Hackney Carriage Table of Fares. Reviews have taken place sporadically when members of the trade have requested, in writing, for one to be undertaken.
- 3.7 Listed below are the dates when revised Hackney Carriage Table of Fares have come into effect, following a review having taken place, since 2012:
- March 2012

- September 2014
- September 2016
- 13th November 2017
- 13th January 2018

- 3.8 As there is no pattern to when a review of Fares has taken or does take place, it can come at any time during the working cycle. Given the statutory requirement to undertake a formal consultation as set down in the Local Government (Miscellaneous Provisions) Act 1976 and for Executive Member to be subsequently presented with the recommendations for consideration, a considered timetable for review would be beneficial.
- 3.9 In permitting a scheduled review of the Hackney Carriage Table of Fares, it would allow members of the trade to plan ahead for their business accordingly; knowing that a fare review is programmed to take place at a certain point in time during the fiscal year.
- 3.10 Having a scheduled review would also allow Officers to plan and prepare the consultation programme around the Committee Cycle accordingly.
- 3.11 Officers have indicated that should an annual fare review be undertaken, then the Consumer Price Index as indicated by the Bank of England as the current inflation rate should be taken as the basis of the consultation. Furthermore, that the consultation period for a Fare Increase should be undertaken in February/ March of each year; with a view to the revised Fares coming in to effect from 1st April each year.

4. Implications

(a) Financial Implications

Nil.

(b) Staffing Implications

Nil.

(c) Equality and Poverty Implications

Nil.

(d) Environmental Implications

Nil.

(e) Procurement Implications

Nil.

(f) Community Safety Implications

Nil.

5. Consultation and Communication Considerations

- 5.1 In accordance with the statutory procedures set out in Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, the Council is required to undertake public consultation prior to making any amendment to the Hackney Carriage Table of Fares.
- 5.2 A notice must be published in at least one local newspaper circulating the district, setting out the variation and specifying the period, which cannot be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections can be made.
- 5.3 If no objection to the variation of the Table of Fares is made, or if all objections are withdrawn, the revised Table of Fares will come into operation on the date of the expiration of the consultation period. However, if any objections are made and not withdrawn, the Executive Member will consider the objections and set a further date, not later than two months after the first specified date, on which the Table of Fares shall come into effect, with or without modifications.

6. Background papers

Background papers used in the preparation of this report:

- (a) Reports and Minutes from Licensing Committee 16th October 2017
<https://democracy.cambridge.gov.uk/ieListDocuments.aspx?CId=180&MIId=3335>

7. Appendices

Appendix A – Existing Hackney Carriage Table of Fares

Appendix B – Copy of Correspondence from CCLT

Appendix C – Proposed Table of Fares

8. Inspection of papers


To inspect the background papers or if you have a query on the report please contact:


Karen O'Connor – Commercial & Licensing Team Manager

Tel: 01223 – 457083

E-mail: karen.oconnor@cambridge.gov.uk

Appendix A

Cambridge City Hackney Carriage Maximum rate of charges from 13th January 2018 Local Government Miscellaneous Provisions Act 1976	
<ul style="list-style-type: none"> Fares are calculated on a combination of distance and time or parts thereof. The meter must only be switched on when the passengers are safely in the vehicle and the journey is about to commence. All journeys taken in Hackney Carriages within the Cambridge City Boundary must be charged on the meter. This is the maximum legal fare 	
Tariff 1: Between 07:00 – 19:00 hours	£2.90
Tariff 2: Between 19:00 - 07:00 And Sundays and Bank Holidays	£3.90
Tariff 3: 19:00 Christmas Eve – 07:00 Boxing Day 19:00 New Year's Eve – 07:00 New Year's Day	£4.90
Each tariff includes initial distance of 98.42 yards (90 metres) or part thereof For Each subsequent 195.75 yards (179 metres) or part thereof	
	20p
HIRING CHARGES – WAITING TIME AS INDICATED BELOW – will be charged when the vehicle is motionless or when it is travelling below the changeover speed of 16.79 km/p/h	
For each period or part thereof 40 seconds	20p
EXTRA CHARGES	
1. For each journey with 5 or more passengers	£3.00
2. Bicycles not able to be put in the luggage compartment of the vehicle	£1.00
3. Fuel Surcharge (only applicable if the national retail price of diesel, as measured by the Arval index, has exceeded 179.9p per litre since 15 August 2012)	£0.40
**There will be a separate notice in this vehicle if this extra charge is payable.	
4. Vehicle unfit to continue working	£80.00
Exclusions: the Taxicard scheme	
Any fare calculated in accordance with the Table of Fares may be subject to any concession scheme approved by the council provided the driver of this vehicle is a participant in such a scheme and the passenger has provided any necessary proof of entitlement to the benefit of such a scheme to the satisfaction of the driver	
Complaints about the vehicle or driver should be made to: Yvonne O'Donnell – Environmental Health Manager PO Box 700 Cambridge, CB1 0JH	
	

01223 457888	
Cambridge City Hackney Carriage Maximum rate of charges from 13th January 2018 Local Government Miscellaneous Provisions Act 1976	
<ul style="list-style-type: none"> Fares are calculated on a combination of distance and time or parts thereof. The meter must only be switched on when the passengers are safely in the vehicle and the journey is about to commence. All journeys taken in Hackney Carriages within the Cambridge City Boundary must be charged on the meter. This is the maximum legal fare 	
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Tariff 2: Between 19:00 - 07:00 And Sundays and Bank Holidays	£3.90
Tariff 3: 19:00 Christmas Eve – 07:00 Boxing Day 19:00 New Year's Eve – 07:00 New Year's Day	£4.90
Each tariff includes initial distance of 98.42 yards (90 metres) or part thereof For Each subsequent 195.75 yards (179 metres) or part thereof	
	20p
HIRING CHARGES – WAITING TIME AS INDICATED BELOW – will be charged when the vehicle is motionless or when it is travelling below the changeover speed of 16.79 km/p/h	
For each period or part thereof 40 seconds	20p
EXTRA CHARGES	
1. For each journey with 5 or more passengers	£3.00
2. Bicycles not able to be put in the luggage compartment of the vehicle	£1.00
3. Fuel Surcharge (only applicable if the national retail price of diesel, as measured by the Arval index, has exceeded 179.9p per litre since 15 August 2012)	£0.40
**There will be a separate notice in this vehicle if this extra charge is payable.	
4. Vehicle unfit to continue working	£80.00
Exclusions: the Taxicard scheme	
Any fare calculated in accordance with the Table of Fares may be subject to any concession scheme approved by the council provided the driver of this vehicle is a participant in such a scheme and the passenger has provided any necessary proof of entitlement to the benefit of such a scheme to the satisfaction of the driver	
Complaints about the vehicle or driver should be made to: Yvonne O'Donnell – Environmental Health Manager	
	

Appendix A

PO Box 700
Cambridge, CB1 0JH
01223 457888

Appendix B – Copy of Correspondence from CCLT

From:

Sent: 29 August 2018 16:16

To: Yvonne ODonnell

Cc:

Subject: Taxi fares

Good day,

On behalf of the directors and members of our company CCLT we would like to make these requests about taxi fares:


1. We apply for a fare increase of 2.74% to match the CPI inflation in 2017.
2. We request an annual review of taxi fares on a set date without having to make a submission.
3. We propose that taking payment by card should be a condition of licence along with appropriate signage.


Regards,
Phil Reeve

Administrative Secretary
Cambridge City Licensed Taxis Ltd
Registered office: 346 Milton Road, Cambridge CB4 1LW
Company No: 06894519

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Appendix C

Cambridge City Hackney Carriage Maximum rate of charges from 1st April 2019 Local Government Miscellaneous Provisions Act 1976	
<ul style="list-style-type: none"> Fares are calculated on a combination of distance and time or parts thereof. The meter must only be switched on when the passengers are safely in the vehicle and the journey is about to commence. All journeys taken in Hackney Carriages within the Cambridge City Boundary must be charged on the meter. This is the maximum legal fare 	
Tariff 1: Between 07:00 – 19:00 hours	£3.00
Tariff 2: Between 19:00 - 07:00 And Sundays and Bank Holidays	£4.00
Tariff 3: 19:00 Christmas Eve – 07:00 Boxing Day 19:00 New Year's Eve – 07:00 New Year's Day	£5.00
Each tariff includes initial distance of 98.42 yards (90 metres) or part thereof For Each subsequent 195.75 yards (179 metres) or part thereof	
	20p
HIRING CHARGES – WAITING TIME AS INDICATED BELOW – will be charged when the vehicle is motionless or when it is travelling below the changeover speed of 16.79 km/p/h	
For each period or part thereof 40 seconds	20p
EXTRA CHARGES	
1. For each journey with 5 or more passengers	£3.00
2. Bicycles not able to be put in the luggage compartment of the vehicle	£1.00
3. Fuel Surcharge (only applicable if the national retail price of diesel, as measured by the Arval index, has exceeded 179.9p per litre since 15 August 2012)	£0.40
**There will be a separate notice in this vehicle if this extra charge is payable.	
4. Vehicle unfit to continue working	£80.00
Exclusions: the Taxicard scheme	
Any fare calculated in accordance with the Table of Fares may be subject to any concession scheme approved by the council provided the driver of this vehicle is a participant in such a scheme and the passenger has provided any necessary proof of entitlement to the benefit of such a scheme to the satisfaction of the driver	
Complaints about the vehicle or driver should be made to: Yvonne O'Donnell – Environmental Health Manager PO Box 700 Cambridge, CB1 0JH	
	

01223 457888 Cambridge City Hackney Carriage Maximum rate of charges from 1st April 2019 Local Government Miscellaneous Provisions Act 1976	
<ul style="list-style-type: none"> Fares are calculated on a combination of distance and time or parts thereof. The meter must only be switched on when the passengers are safely in the vehicle and the journey is about to commence. All journeys taken in Hackney Carriages within the Cambridge City Boundary must be charged on the meter. This is the maximum legal fare 	
Tariff 1: Between 07:00 – 19:00 hours	£3.00
Tariff 2: Between 19:00 - 07:00 And Sundays and Bank Holidays	£4.00
Tariff 3: 19:00 Christmas Eve – 07:00 Boxing Day 19:00 New Year's Eve – 07:00 New Year's Day	£5.00
Each tariff includes initial distance of 98.42 yards (90 metres) or part thereof For Each subsequent 195.75 yards (179 metres) or part thereof	
	20p
HIRING CHARGES – WAITING TIME AS INDICATED BELOW – will be charged when the vehicle is motionless or when it is travelling below the changeover speed of 16.79 km/p/h	
For each period or part thereof 40 seconds	20p
EXTRA CHARGES	
1. For each journey with 5 or more passengers	£3.00
2. Bicycles not able to be put in the luggage compartment of the vehicle	£1.00
3. Fuel Surcharge (only applicable if the national retail price of diesel, as measured by the Arval index, has exceeded 179.9p per litre since 15 August 2012)	£0.40
**There will be a separate notice in this vehicle if this extra charge is payable.	
4. Vehicle unfit to continue working	£80.00
Exclusions: the Taxicard scheme	
Any fare calculated in accordance with the Table of Fares may be subject to any concession scheme approved by the council provided the driver of this vehicle is a participant in such a scheme and the passenger has provided any necessary proof of entitlement to the benefit of such a scheme to the satisfaction of the driver	
Complaints about the vehicle or driver should be made to: Yvonne O'Donnell – Environmental Health Manager	
	

Appendix C

PO Box 700
Cambridge, CB1 0JH
01223 457888

CAMBRIDGE CITY COUNCIL

Record of Executive Decision

OUTCOME OF CAMBRIDGE LIVE REVIEW

Decision of: **Councillor Smith** Executive Councillor for Communities

Reference: 18/SPURGENCY/EnC/1

Date of decision: 20/12/18 **Recorded on:** 20/12/18

Decision Type: Key

Matter for Decision: Future of the Cambridge Live contract

Why the decision had to be made (and any alternative options): The Council has been working with Cambridge Live to review the organisation's business, and this work has now concluded. Both parties have agreed that the contracted services run by Cambridge Live should return back to the direct control of the Council. The decision is made in the best interests of the beneficiaries of these services, i.e local people and to ensure a successful and financially sustainable future for all cultural activity covered by the contract. An urgent decision had to be made as the operation of the contract was not meeting financial performance requirements and the Council and Cambridge Live needed to take steps to ensure business continuity.

The Executive Councillor's decision(s): To transfer services currently run by Cambridge Live back to the Council to be run directly by the authority
To recommend to Council that the 2019/20 budget be revised to make an allocation of £250k to be utilised for the transition.
.

Reasons for the decision: As set out in the briefing paper from the Strategic Director attached

Scrutiny consideration: The Chair of Environment and Community Scrutiny Committee was consulted prior to the action being authorised. The Chair agreed that under Special Urgency Procedures (9.4, Part 4B, Council Constitution) the decision could not be reasonably deferred.

Report: A briefing note from the Strategic Director explaining the reasons for the decision is attached.

Conflicts of interest: None

Item

CAMBRIDGE LIVE: OUTCOME OF REVIEW

To: Councillor Anna Smith, Executive Councillor for Communities

Report by:

Suzanne Hemingway, Strategic Director.

Wards affected: All

Key Decision

1. Executive Summary

1.1 The Council has been working with Cambridge Live to review the organisation's business, and this work has now concluded. Both parties have agreed that the contracted services run by Cambridge Live should return back to the direct control of the Council. The decision is made in the best interests of the beneficiaries of these services, i.e local people and to ensure a successful and financially sustainable future for all cultural activity covered by the contract.

2. Recommendations

The Executive Councillor is recommended to:

- 2.1 Transfer services currently run by Cambridge Live back to the Council to be run directly by the authority.
- 2.2 Recommend to the Council that the Council's 2019/20 budget be revised to make an allocation of £250k to be utilised for the transition.

3. Background

3.1 The Council decided to establish Cambridge Live (CL) in October 2014, in order to reduce the subsidy required to these services, provide a

sustainable financial and operational basis on which the services can thrive, and to manage and mitigate the increasing risk to the authority of continuing to provide the services directly. This decision was taken in a context not dissimilar from today, in which officers identified that “The risk profile for this area of activity is high, due ... financial volatility of the events and entertainment sector “ and that “Citizens’ Surveys show that residents support these services but challenge levels of subsidy and do not think the Council should run them directly.”

3.2 The new model was established so that it could take advantage of operating efficiencies, cost savings and income generating opportunities and well as provide a more innovative and flexible environment in which cultural activity in Cambridge could thrive for the benefit of local people.

3.3 CL made progress in establishing the charity, expanding its business, establishing networks and relationships and reviewing the Folk Festival among many other achievements. However, launching a start-up is not without its risks particularly during the first few years of trading. As such, a joint review of the business plan was planned for 2017, midway through the first funding period.

The first phase of this work revealed a need for the Council to consider revised short term funding arrangements to CL and for CL to strengthen the financial management and governance of the charity. In June 2018, the Council agreed to support a turnaround with the following points:

- The Council should work with CL to put in place bespoke and stronger governance focused on a turnaround plan, for a time limited period;
- The Council would provide staged, time limited financial support, of up to £500k, to enable the charity to develop and then implement their new business plan.

3.4 Since then, officers have been working closely with CL. Despite the appointment of a new chair, a smaller Board, an interim Managing Director, and significant external advice, the charity has not been able to develop a viable business plan. Rather, the financial situation has worsened and the Council would have to provide further financial underwriting immediately and on an ongoing basis to enable the charity to return to a sustainable position. However, it would take a significant number of years to address this.

3.5 Accordingly, the Council has offered to support CL with a voluntary return of the Contract. Services will return to management directly by the Council. Detailed financial modelling work has been undertaken, and the Council has preparations in hand to affect a smooth transfer for services, staff and customers.

3.6 Short-term financial support of £750,000 (i.e. increase of £250,000 on the £500k funding already approved) will be required in 2018/19 and 2019/20 for:

- Prepare the services for transfer
- Re-integration into financial and IT systems at the Council
- Management and project capacity for the transition

3.7 The key advantages of this option are that:

- Surety of uninterrupted business and service continuity for staff and customers
- The Council has skills and previous experience of managing all of the services.
- The Council will have direct control of costs and staff
- All financial issues are addressed and assets are returned to the Council

3.7 The key issues are:

- The loss of the Charity, and benefits such as its charitable objectives, rate relief, cultural exemption, more flexible decision making, and facility for fund-raising
- The impact of reintegration on Council services, both on a one-off and ongoing basis, that requires extra resources from within the Council

3.8 Other option considered but not pursued

The other option pursued up until now has been that of supporting CL to continue. The advantages of this would be retention of charity and charitable benefits (and thus ability to access alternative sources of income) and retention of cultural exemption. However, whilst it is technically possible for CL to continue with an injection of funds, the charity is not in a strong enough position to affect the turnaround required.

If the Council does not intervene, there would be a real risk of Cambridge Live becoming insolvent. Insolvency would have an impact on services and customers for a significant period.

4. Implications

Financial

- The earmarked reserve of £500k already allocated to supporting the CL turnaround needs to be increased by £250k to ensure sufficient funding in place to cover the transition costs.
- On an ongoing basis, the financial model shows that the service can be sustainable assuming ongoing Council contributions to the service, equivalent to the contract fee (plus inflationary uplift) for the foreseeable future.

Implications for CL, services and staff: All staff and aspects of the Council's contract with Cambridge Live will transfer back to the Council and services will be managed under a revised staffing structure. There will need to be a minor restructure to ensure this is appropriate and fit for purpose within the Council and this will be dealt with under the organisational change policy.

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Item



COMPREHENSIVE EQUALITIES AND DIVERSITY POLICY

To:

Councillor Anna Smith, Executive Councillor for Communities

Environment & Community Scrutiny Committee 17/01/2019

Report by:

Helen Crowther, Equality and Anti-Poverty Officer

Tel: 01223 - 457046 Email: helen.crowther@cambridge.gov.uk

Wards affected:

All

Key Decision

1. Executive Summary

- 1.1 The Council's Comprehensive Equalities and Diversity Policy sets out the Council's commitment to promoting equality and diversity, including through its role as an employer and a provider of services to the public. A revised and updated version of the policy was presented for approval at the Environment and Communities Scrutiny Committee on 4 October 2018. This report provides feedback from consultation carried out related to the impacts of the changes, and identifies how the Policy will be applied in practice at service level.

2. Recommendations

The Executive Councillor is recommended to:

- 2.1 Approve the recommended actions related to implementing the Comprehensive Equalities and Diversity Policy arising from the consultation on the Policy.

3. Background

- 3.1. The Council's Comprehensive Equalities and Diversity policy ('the Policy') sets out its commitment to promoting equality and diversity, including through its role as an employer and a provider of services to the public. The Council's Policy was first approved in 2006. The Executive Councillor for Communities approved a revised and updated version of the policy at the Environment and Communities Scrutiny Committee meeting on 4 October 2018.
- 3.2 Following independent legal advice, changes were made to the wording of the Policy to ensure that it is consistent with the Equality Act 2010. In the revised Policy, the term 'gender' was replaced with the term 'sex' and the term 'transgender' was replaced with 'the protected characteristic of gender reassignment'. This was because the terms 'sex' and 'gender reassignment' are defined in the Equality Act 2010, whereas 'gender' and 'transgender' are not.
- 3.3 Gender reassignment, for the purposes of the Equality Act 2010, does not refer to a medical process. It is a personal process (that is, moving away from the sex to which a person was assigned at birth to that person's preferred or acquired gender). The Act defines gender reassignment as meaning the same thing as a "transsexual person".
- 3.4 The revised policy also introduced the following commitment:

"We will recognise and treat people with the protected characteristic of gender reassignment according to the gender in which they present unless it is necessary, in exceptional circumstances, to use the services and employment exceptions as a proportionate means to achieve a legitimate aim in line with the Equality Act 2010."
- 3.5 This commitment replaced two previous separate commitments in the Policy, which were approved as part of a revised Policy at Strategy and Resources Scrutiny Committee in October 2010:

- “We will not exclude transgender people from positions which require a gender-appropriate candidate” and
- “Transgender people will not be excluded from gender-appropriate single sex/sex segregated facilities operated by the council”

- 3.6 Where a service is being lawfully provided on a separate-sex or single-sex basis, the Equality Act requires that in general the service provider should allow transsexual people to access that service according to their acquired gender.
- 3.7 However, the Act includes an exception to this requirement that permits the service provider, in exceptional cases, to provide a different service to a transsexual person, or exclude a transsexual person from the service altogether. The Explanatory Notes to the Equality Act 2010 state that excluding transsexual people from separate-sex or single-sex services needs to be a “proportionate means of achieving a legitimate aim” and has to be “objectively justified”.
- 3.8 The previous commitments in the Policy, as set out at 3.2 above, committed the Council to never applying this exception. The independent legal advice stated that this was unlawful, as it fettered the Council’s discretion to apply the exceptions which exist in the Equality Act 2010, and that the Council needed to reference the ‘services and employment exceptions’ in the Policy.
- 3.9 The revised wording in the Policy set out at 3.4 above includes a reference to ‘the services and employment exceptions’. In line with the Equality Act 2010, the Council would only apply these exceptions in “exceptional circumstances” and where this is a “proportionate means of achieving a legitimate aim”.

4. Consultation process

4.1 The Council carried out a consultation on the Policy from October 2018 and to November 2018. The purpose of the consultation was to consider impacts of the changes to the Policy on people in Cambridge and to inform practical implementation of it. The methods of the consultation were as follows:

- Inviting the 24 organisations that responded to the consultation in June 2018 on the Council's new Single Equality Scheme (2018-2021) to provide feedback on the impacts of the changes in the Policy. The Council received responses from eight organisations: Cambridge Rape Crisis, Cambridge Women's Aid, Cambridgeshire County Council, Cambridgeshire Older People's Enterprise, The Encompass Network, The Kite Trust, Lifecraft, and St. John the Evangelist Church.
- Publishing a public consultation survey on the Council's website from 18 October 2018 to 16 November 2018. The Council received 275 responses to the survey. The majority of respondents (58%) came from a postcode from the Cambridgeshire area.
- Consulting members of the Council's Equalities Panel at a meeting on 19 November 2018.
- Consulting Council staff through a consultation meeting held on 13 November 2018, which was open to any interested member of staff. The meeting was attended by ten staff members.

5. Consultation findings

5.1 Overall, the findings from the consultation did not identify any specific adverse impacts related to the changes in the wording of the Policy. However, those who took part in the consultation expressed that communications providing further clarity around how we will implement the Policy in practice would be helpful. Consultees especially felt unclear about:

- How the Council will apply the Policy in relation to existing single-sex services and facilities to avoid discrimination against women and girls and/or transsexual people.

- How the Council would interpret the meaning of terms such as “exceptional circumstances” when considering whether to apply the exceptions in the Equality Act 2010.

5.2 91% of respondents who engaged in the public consultation survey shared that they felt the changes to our Policy would have some sort of impact on people living in, working in or visiting Cambridge. However, when asked to identify any specific adverse impact impacts from the changes in the Policy, most consultees expressed broader concerns. The main concerns raised by respondents related to:

- How Cambridge City Council will make sure the “safety”, “privacy” and “dignity” of women and girls is protected in the Policy’s implementation.
- Uncertainty around how the Council would implement the new commitment in the Policy, especially related to public toilets, but also related to the influence the Council has over other organisations in the city.
- Confusion related to the meaning of terminology used in the revised Policy, including “exceptional circumstances”, and the difference between “gender” and “sex”.

5.3 There were very few responses to the survey regarding how the Policy impacts on transgender people’s rights. The key issues raised were:

- concerns that the wording of the previous Policy was more inclusive for transgender people
- the wording of the new provision could be interpreted as meaning that the Council no longer is as supportive of transgender people. Some people felt that this might lead transgender people to be concerned about their safety in using single-sex facilities, as they may be challenged in doing so by other members of the public.

5.4 Many comments from the public consultation related to things that are not permitted under the Equality Act 2010. The Council cannot change the wording of its Policy in response to these comments, as this would make it unlawful. These particular comments are similar to wider viewpoints that have been shared as part of the national debate related

to the government's proposed changes to the Gender Recognition Act 2004 (which underwent public consultation from July to October 2018).

5.5 The feedback from the eight organisations that provided responses to the consultation included a number of common themes:

- A request for greater clarity in how the Council will protect against discrimination of one equality group over another in identifying exceptional circumstances.
- The importance of consulting with women and transgender people who would be affected by any changes to particular facilities and services about how the Council can best ensure their safety.
- A lack of clarity on how the Council will continue to protect rights of transgender people more broadly, including gender fluid and non-binary people, as well as people under the protected characteristic of gender reassignment.

5.6 Members of the Equalities Panel acknowledged the complexity of the legal position related to when exceptions would be applicable. Related to this point, in the staff consultation Council officers argued there needs to be clearer guidance for our staff undertaking day-to-day running of single sex-services and facilities around how to handle queries and complaints from the public related to the exceptions.

5.7 Members of the Equalities Panel asked for greater clarity in how the Council defines what would trigger it to consider whether to apply the exceptions. There was acknowledgement that as services evolve the Council will not always be able to foresee exceptional circumstances that might arise. At the same time, it was expressed that the Council needs to be careful not to discriminate against individuals and to aim to proactively (as opposed to retrospectively) apply exceptions where this is proportionate and legitimate.

6. Application/implementation of the policy to single sex-services delivered by the Council

6.1 The consultation with the public, stakeholders, staff and members of the Equalities Panel identified a need to provide clarity on how the amended

Policy applies in practice to single-sex facilities and services that are provided by the Council. The Council's proposed approach to applying the commitment that was approved on 4 October 2018 to current facilities and services is set out below.

- 6.2 The Council's overall approach is based on ensuring that people with protected characteristics have the opportunity to access facilities and sessions that meet their needs, and to do so safely. In general, the Council provides universal services, but it also provides single-sex services (or services to meet needs of people with other specific protected characteristics) where there is an identifiable need. In meeting the needs of one protected characteristic, the Council will consider whether we are over-riding the needs of other protected characteristics and prevent or mitigate this as far as possible.
- 6.3 Below we confirm what the revised Policy means for our current single-sex facilities and services.
- 6.4 Cambridge City Council cannot provide a definitive answer on what would represent "exceptional circumstances" to require the application of the exceptions or a "proportionate means of achieving a legitimate aim", as the Act requires the Council to consider matters on a "case-by-case basis". Due to how intersectionality of protected characteristics relates to individuals, circumstances will vary considerably in each case.

Council-run facilities and services where the exceptions would not currently be applied

- 6.5 There are some single-sex services that are delivered by the Council where in implementing our revised Policy, access for transsexual people will remain the same as before the revisions were made. These are:
- public toilets (20 facilities)
 - toilets in community centres
 - single-sex sports sessions for women or men, which currently includes Swim and Tone swimming session for women, Return to Fitness sessions for men, Street Games women's netball nights and Let's Go Girls sessions.

- 6.6 There are single sex toilets in all of the public toilet facilities provided by the Council, and in nine facilities gender neutral toilets are available as well (e.g. Drummer Street, Mill Road and Victoria Road). The law requires that transsexual people are able to choose the facilities of their acquired gender. In order to meet the needs of transsexual people and women, there is currently no evidence that it would be proportionate or legitimate to apply the services exception to these services.
- 6.7 Some respondents to the public consultation survey were concerned about safety of women and girls using the same toilets as transsexual people who might have male physiology. National research has identified that transsexual people are less safe in using men's toilet facilities than women's. However, the Council does not have evidence from CCTV, the Police or complaints made to Council Officers that safety of anyone using our public toilets is an issue.
- 6.8 Some respondents expressed concerns regarding the privacy of women and girls when using public toilet facilities. However, the existing toilet facilities provided by the Council provide privacy for people using toilets. In all our facilities, including the men's toilets where there are also urinals in communal space, there are cubicles available for going to the toilet in privacy.
- 6.9 The Council also provides some single-sex sport sessions that are open to either women or men as set out at 6.3 above. The sports sessions are not specifically directed at people who may be vulnerable and do not require physical contact. No safety concerns have been identified for transsexual women and women to take part in the women's sessions, and transsexual men and men to take part in the men's sessions. Therefore, our policy to enable transsexual people to take part in sessions according to their acquired gender will remain the same.

Leisure facilities run by a third party to which the exceptions would not currently be applied

- 6.10 These facilities are toilets, showers and changing rooms in leisure facilities where transsexual people will continue to be able to use facilities of the gender they identify as. For toilets, there are female and male options but there are cubicles available in each for people requiring

more privacy. No concerns have been raised by service users regarding safety of people using the toilets.

- 6.11 In changing rooms and showers there are a range of options for women, men and transsexual people in using the facilities (including options for people wanting greater privacy for whatever reason). Therefore, all single-sex facilities would continue to be available for transsexual men and transsexual women to use according to their acquired gender, regardless of other options onsite.
- 6.12 Most changing rooms offer cubicles which provide privacy for people when changing (e.g. swimming changing rooms at Parkside Pools and Abbey Pools). Abbey and Parkside pools also offer the option of gender neutral changing villages with cubicles. Even in facilities where changing rooms are open plan (e.g. Kings Hedges Learner Pool, Cherry Hinton Village Centre, Abbey and Parkside gyms) options are available for people wanting more privacy. Options are to use changing rooms elsewhere in the venue that consist of cubicles, or to use the self-contained disabled changing rooms. (For the facilities with open plan female and male changing rooms, disabled changing rooms do not require a radar key for access in case individuals want private space).
- 6.13 Showers are single-sex facilities and all showers available for women offer cubicles for privacy, but showers for men are currently open plan in four venues. These venues are the Abbey Leisure Complex, Cherry Hinton Village Leisure Centre, Kings Hedges Learner Pool, and Parkside Pools. In these venues, we will undertake an audit to look into the feasibility, related to costs and space, of introducing options of cubicle showers for men and transsexual men wanting greater privacy.

Services where the Council needs to carry out further assessment in order to explore the purpose of their provision

- 6.14 Services where the Council needs to carry out further assessment in order to explore the purpose of their provision are for the Abbey Pool women' swimming sessions (which the Council commissions in part) and the Women's Health and Wellbeing sessions (which the Council provides). For these services, separate equality impact assessments

are needed to identify how they meet needs of different protected characteristics. This is because the nature of these sessions has changed over time, so their original purpose may no longer apply. The two EqlAs are necessary before understanding how the Policy would be applicable to the services.

Sessions and facilities grant funded/ supported in other ways by the Council to which the Policy would not be applicable to

6.15 For services and activities run by third Parties that the Council supports (but does not commission to run on its behalf), the Council's Comprehensive Equalities and Diversity is not applicable. The Council requires the third parties to meet obligations under the Equality Act 2010, including related to the services and employment exceptions, and other relevant applicable legal obligations. These services include those funded by Cambridge City Council's community grants and Homelessness Grants. The following other services, which are sports sessions that the Council supports, also fall under this category:

- Girls' PE sessions
- Man V Fat football sessions
- Proactive for men recovering from prostate cancer
- Community sports clubs – Using the leisure facilities that we commission a third party to run. Only one sports team at a time will be able to use the facilities and this sports team will be the key-holder responsible for their usage.

7. Implications

(a) Financial Implications

The application of the Policy will primarily be delivered through existing service budgets and will not require additional resources. The cost of additional works required to add cubicles into men's shower areas following the audit as identified in 6.13 are anticipated to be able to be covered within existing maintenance funds from the Recreational Service area budgets in 2019/20.

(b) Staffing Implications

The revised Comprehensive Equalities and Diversity Policy will be promoted to managers and staff in all Council services through internal communications channels. Where required, training and guidance will be provided for relevant Council service managers and staff on how the policy should be applied to any single-sex services and facilities that they are responsible for.

The Council has signed up to the Safer Spaces scheme, led by Encompass Network, which aims to create welcoming, inclusive and safe spaces for lesbian, gay, bisexual, transgender and queer/ questioning (LGBTQ) people in Cambridge. As part of the scheme, we are committing to:

- Provide Safer Spaces training for managers on how to identify, prevent and tackle discrimination in the workplace that is aimed at LGBT people at the February 2019 Managers' Forum,
- , Introduce new starters to Safer Spaces, and our approach to applying our Policy set out in section 6 of this report, in equality and diversity induction training from February 2019 onwards.
- Develop workplace guidance to support transgender people at Cambridge City Council who are transitioning to another gender by September 2019

We currently do not have any job roles where we have identified a Genuine Occupational Requirement to apply the employment exception and do not anticipate having any in the future at the time of producing this report.

However, if an "exceptional circumstance" were to arise in future that would lead us to consider applying the employment exception, the decision would be informed by an Equality Impact Assessment of the service in question.

As set out in this report, the Council will only apply the services and employment exceptions in exceptional circumstances. The relevant Head of Service and the Council's Equality and Anti-poverty Officer will carry out a thorough assessment of all the potential impacts of applying them, taking into account all available evidence. This assessment will consider whether applying the exceptions would be a proportionate means of achieving a legitimate aim, as defined in the Equality Act 2010. The final decision on whether to apply the exemption would be taken by the Chief Executive or a Strategic Director.

(c) Equality and Poverty Implications

Please find Equality Impact Assessment attached. The main equality impacts relate to gender reassignment, sex and religion.

(d) Environmental Implications

There are no environmental implications

(e) Procurement Implications

The City Council has taken steps to ensure that equalities considerations are embedded in its procurement processes.

(f) Community Safety Implications

In implementing the Policy, the Council will ensure that people with protected characteristics have the opportunity to access facilities and sessions safely that meet their needs.

The Council has also signed up to Safer Spaces, a project run by The Encompass Network, to help lesbian, gay, bisexual and transgender people to access services and facilities that are safe, welcoming and inclusive.

In the consultation, respondents identified concerns related to vulnerable women's safety, especially women who have experienced domestic abuse and/or sexual violence. The Council's Single Equality Scheme 2018 to 2021 contains a number of actions to help promote safety of women and girls.

8. Communication considerations

The content of this report will be communicated to residents through the media using a news release, through the Council website, and on Twitter. In communicating the content of this report, given that this was a concern raised in the consultation on the Policy, the Council shall aim to ensure that it communicates its intention that people with protected characteristics have the opportunity to access facilities and sessions that meet their needs, and to do so safely.

9. Background papers

Background papers used in the preparation of this report: Equalities Policy and Strategy 4 October 2018 Environment and Communities Scrutiny Committee paper and appendices.

10. Appendices

- (a) Comprehensive Equalities and Diversity Policy
- (b) Equality Impact Assessment for Comprehensive Equalities and Diversity Policy

11. Inspection of papers

To inspect the background papers or if you have a query on the report please contact Helen Crowther, Equality and Anti-Poverty Officer, tel: 01223 - 457046, email: helen.crowther@cambridge.gov.uk.

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CAMBRIDGE CITY COUNCIL

COMPREHENSIVE EQUALITIES AND DIVERSITY POLICY **“Embracing diversity, committed to equality”**

OUR COMMITMENT

We are a joint founder (with the University of Cambridge) and signatory of the Cambridgeshire Equality Pledge that commits signatory organisations to appreciate and value the benefits that different communities contribute to Cambridge and the surrounding region. The Equality Pledge is as follows:

“We believe in the dignity of all people and their right to respect and equality of opportunity. We value the strength that comes with difference and the positive contribution that diversity brings to our community. Our aspiration is for Cambridge and the wider region to be safe, welcoming and inclusive”.

We recognise and accept that discrimination means some people may have not had equal access to services or employment or fair chances in life. Therefore we support the view that it may be necessary to develop or create some services or opportunities to specifically meet different needs.

We understand that discrimination can be institutionalised. We are committed to combating any unintended institutional discrimination by developing an anti-discriminatory organisational culture, placing equalities at the centre of all our activities and key agendas, and celebrating diversity in its many forms.

We work to the following principles:

- We recognise nine main equality strands as recognised in UK law, giving all equal importance. These are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- We will recognise and treat people with the protected characteristic of gender reassignment according to the gender in which they present unless it is necessary, in exceptional circumstances, to use the services and employment exceptions as a proportionate means to achieve a legitimate aim in line with the Equality Act 2010
- We aim to eliminate unlawful discrimination and to promote equality of opportunity and good relations between people of different and diverse communities

- We support the progressive approach of promoting good relations between different groups in order to tackle prejudice and end discrimination, and apply this to all equality strands
- We are committed to developing and promoting an anti-discriminatory environment within the Council and City as a whole and will reflect this in our policies and practices
- We are committed to improving our equalities practice at corporate, departmental, service and individual levels throughout the council and want to maintain a positive and inclusive workplace culture that values all employees equally
- We aim to identify and eliminate barriers in our own systems and procedures, training staff and managers to enable them to help make this happen
- We will actively engage with the local community through communication and consultation to ensure that our services meet the needs of and are fully accessible to our diverse population
- We recognise the value of an energetic and creative voluntary/community sector and will work with groups, individuals and organisations to provide culturally specific services, with equalities firmly embedded in those relationships and projects
- We will ensure a commitment to equalities and diversity in our commissioning and procurement arrangements and expect suppliers and contractors to fully comply with this equalities and diversity policy
- We encourage real participation in local democracy and representation on various bodies and in our processes, from people who may normally feel excluded from decision-making processes
- We will comply with all our legal obligations and follow best practice guidance

SCOPE

This policy applies to all aspects of the Council's functions including:

- Provision of services
- Commissioning and purchasing of goods and services
- Recruitment, employment, training and development of staff
- Grants to voluntary and community organisations
- Landlord functions in respect of housing and other property
- Exercise of statutory powers and responsibilities
- Partnerships with other organisations
- Community involvement
- Consultation with local people
- Promotion and publicity

VALUING OUR EMPLOYEES – AS AN EMPLOYER

The Council aims to provide a safe and accessible working environment for existing and potential employees, one that is free from harassment and discrimination, where individuals' values, beliefs, identities and cultures are respected. All Council employees are responsible for complying with this policy and must follow it as part of their conditions of service.

Council staff must not discriminate against anyone, persuade another employee to discriminate, tolerate or condone discriminatory practices, harass or abuse other employees or members of the public - for any reason. In return we expect our staff to be treated with respect and we will not tolerate discriminatory or abusive behaviour towards our staff from members of the public.

The Working Environment

- We aspire to being an employer for whom local people will want to work.
- We have a staff code of conduct in order to ensure we act professionally and treat others with dignity and respect.
- We run equality and diversity training for staff , including as part of our induction training for all new starters.
- Staff members have access to confidential reporting systems available for those who may face bullying, harassment, prejudice and/or discrimination.
- We undertake regular staff attitude surveys to help identify equality and diversity trends or issues that may need addressing.
- We ensure that we consider individuals' needs and make reasonable adjustments where appropriate in order to remove barriers for disabled people and resolve issues relating to disability.
- We will implement and review our policies to support the health and well-being of our staff.
- We take action to protect employees who are at risk of violence while carrying out their duties.
- We are committed to safeguarding and promoting the welfare of children, young people and adults. Staff are made aware that safeguarding is everyone's responsibility.
- We have a domestic abuse policy to ensure that every employee who is experiencing or has experienced domestic abuse has the right to raise the issue with their employer in the knowledge that we will treat the matter effectively, sympathetically and confidentially.
- Where there is demand for them, we facilitate and support staff networks for those from minority groups or those who face disadvantage or discrimination in society.

Recruitment practices and career development

- We produce an annual 'Equality in Employment' report, which monitors the workforce profile in relation to age, disability, religion or belief, race, sex and sexual orientation. From this information we develop initiatives to redress current imbalances in our workforce, through recruitment, career development and training, and building strong links with marginalised or minority communities.
- We aim to eliminate any unfair or unlawful bias in our pay systems and practice that impact on pay. We believe that all employees should receive equal pay for the same or broadly similar work, for work rated as equivalent and for work of equal value. We report on trends in pay in our annual 'Equality in Employment' report, including related to the gender pay gap.
- We aim to make sure that advertised jobs with the council are accessible to all sections of the community, and that our recruitment policies and practices do not indirectly discriminate against any equality groups.
- We promote opportunities to ensure that not only is the Council's workforce representative of the local community, but that this representation is also reflected across all levels and grades.
- We are a Disability Confident employer and are committed to recruiting, retaining and supporting disabled employees. The Council aims to remove barriers, resolve issues relating to disability and consider individual needs. This includes taking positive steps towards promoting equality of opportunity, inclusion for all and promoting positive attitudes towards disabled people.

VALUING OUR CUSTOMERS – DELIVERING SERVICES

It is our aim that:

- service users receive fair, sensitive and equal treatment when accessing services, and are treated with dignity and respect
- services are relevant and responsive to the changing and diverse needs of our local population, and are delivered without discrimination, prejudice or bias
- services, buildings and information are fully accessible, particularly to those groups or individuals who face disadvantage or discrimination
- we provide clear and understandable information about services and policies in accessible formats and languages
- all external contracts comply with the council's equality policy
- service users are aware of their rights and entitlements when receiving services

We will ensure that all job applicants, employees and service users have access to this policy and our equality values statement.

HOW WE ARE ORGANISED

There is a clear infrastructure to help deliver equality and diversity in the organisation.

Councillors - elected members of the Council have overall responsibility for this policy. The Leader of the Council is the portfolio holder for equalities and diversity. The Strategy and Resources Scrutiny Committee oversees and scrutinises the Leader's portfolio.

Equalities Panel - meets formally twice a year to advise on the Council's equalities work. Membership consists of four members of the public, four staff representatives (two at management level) and four elected Councillors.

Strategic Leadership Team – provides visible leadership on equalities and diversity issues.

Equalities Champion - a member of the Council's Strategic Leadership Team is responsible for championing all equality areas.

Joint Equalities Group (JEG) – an officer group that meets regularly to develop, deliver and oversee the council's equalities and diversity programme. Combines equalities work in employment, service delivery and community relations. Core membership is:

- Strategy & Partnerships
- Human Resources
- Community Development
- Departmental Link Officers

HOW WE DELIVER

Promoting diversity programme

The Council has responded to the duty to promote good relations between different communities by developing an annual programme of 'diversity days'. This approach recognises the main equality strands and provides a framework for engaging different individuals, groups, partners and communities.

As a Council, we mark some of the following regional and national events:

- LGBT (lesbian, gay, bisexual, transgender) History Month – February
- International Women's Day – 8th March
- Black History Month – October
- Holocaust Memorial Day – 27th January
- Cambridgeshire Celebrates Age
- Disability History Month – 22nd November to 22nd December every year
- Refugee Week – held in June each year

Cambridge City Council has a commitment to community services and equalities work to support, strengthen, resource and engage many minority and marginalised communities.

Training, communications and resources

We provide equality and diversity training for staff and managers including mandatory equalities training within induction programmes for new staff. We supplement formal training with additional briefings and communications designed to raise awareness and increase knowledge around all equality issues, best practice and legislation.

Consultation and Involvement

The Council undertakes regular consultation with service users to ensure that the views of all communities are heard. Targeted work is undertaken to seek minority communities' views where these may not be picked up in general consultation initiatives. This consultation is used to inform council priorities and improve services.

Equality Framework for Local Government

The Equality Framework is a national framework offering a comprehensive and systematic approach to measuring performance on equalities issues. The Framework covers all the groups that are protected by discrimination law. The Council measures its progress against the five areas of performance contained in the Framework as part of our Annual Equalities Review.

Equality Impact Assessments (EIAs)

EIAs are a mechanism to equality check council functions and policies to ensure they do not discriminate or cause any adverse impact relating to equalities and diversity. The Council has an ongoing process of undertaking EIAs on all relevant policies and functions.

Monitoring

Monitoring is an essential and integral element of the Council's equalities performance, and is a requirement of the revised Equality Standard. We also monitor our services to meet the specific duties as set out in the Race Relations Amendment Act 2000 and the Disability Discrimination Act 2005.

Single Equality Scheme (SES)

In 2009, in anticipation of the introduction of the Equality Act 2010, the Council adopted a single equality scheme, which includes outstanding actions from our previous race, disability and gender schemes. The scheme is reviewed and reported on annually as part of the Council's Annual Equalities Review.

REVIEWING YOUR PRACTICE

We will review our practice regularly in line with this policy to ensure that the principles, objectives and priorities are achieved. We will produce an annual report each year, which will be reported to the Strategic Leadership Team, the Equalities Panel, and Strategy and Resources Scrutiny Committee, and will be published on the Internet.

LEGISLATION

We are committed to complying fully with our legal obligations under equality laws and guidance, and to responding to these speedily and thoroughly. The main UK law relating to equality and diversity is the Equality Act 2010:

Equality Act 2010

The Equality Act brought together all the previously existing strands of equality and discrimination legislation, with the aim of clarifying existing law and extending it to cover some anomalies in existing discrimination law.

The nine main pieces of legislation that merged were:

- the Equal Pay Act 1970
- the Sex Discrimination Act 1975
- the Race Relations Act 1976
- the Disability Discrimination Act 1995
- the Employment Equality (Religion or Belief) Regulations 2003
- the Employment Equality (Sexual Orientation) Regulations 2003
- the Employment Equality (Age) Regulations 2006
- the Equality Act 2006, Part 2
- the Equality Act (Sexual Orientation) Regulations 2007

For full information on the Equality Act see:

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Public Sector Equality Duty (Section 149 of the Equality Act 2010)

The broad purpose of the equality duty is to integrate consideration of equality and good relations into the day-to-day business of public authorities. Those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

These are sometimes referred to as the three aims or arms of the general equality duty. The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.

- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Other relevant legislation to equalities includes:

Civil Partnerships Act 2004

Provides legal recognition and parity of treatment for same-sex couples and married couples, including employment benefits and pension rights

Gender Recognition Act 2004

Trans people are able to receive legal recognition of their acquired gender through a process set out in the Gender Recognition Act (GRA) 2004.

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Appendix B

Cambridge City Council Equality Impact Assessment (EqIA)



This tool helps the Council ensure that we fulfil legal obligations of the [Public Sector Equality Duty](#) to have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

1. Title of strategy, policy, plan, project, contract or major change to your service:
Comprehensive Equalities and Diversity Policy

2. Webpage link to full details of the strategy, policy, plan, project, contract or major change to your service (if available)
The Comprehensive Equalities and Diversity Policy: https://www.cambridge.gov.uk/media/6722/comprehensive-equalities-and-diversity-policy.pdf Environment and Communities Scrutiny Committee 4 October papers: https://democracy.cambridge.gov.uk/ieListDocuments.aspx?CId=476&MIId=3564&Ver=4 Environment and Communities Scrutiny Committee 17 January papers: https://democracy.cambridge.gov.uk/ieListDocuments.aspx?CId=476&MIId=3565&Ver=4

3. What is the objective or purpose of your strategy, policy, plan, project, contract or major change to your service?

The Council's Comprehensive Equalities and Diversity Policy (the Policy) sets out the Council's commitment to promoting equality and diversity, including through its role as an employer and a provider of services to the public.

This EqIA assesses the equality impacts of changes to the Policy, which were agreed at the Environment and Community Scrutiny Committee meeting on 4 October 2018. The changes were informed by independent legal advice. These changes were :

- The term 'gender' was replaced with the term 'sex' and the term 'transgender' was replaced with 'the protected characteristic of gender reassignment'. This was because the terms 'sex' and 'gender reassignment' are defined in the Equality Act 2010, whereas 'gender' and 'transgender' are not.

3. What is the objective or purpose of your strategy, policy, plan, project, contract or major change to your service?

- The following commitment was included in the policy: *"We will recognise and treat people with the protected characteristic of gender reassignment according to the gender in which they present unless it is necessary, in exceptional circumstances, to use the services and employment exceptions as a proportionate means to achieve a legitimate aim in line with the Equality Act 2010."*
- This commitment replaced two previous separate commitments in the Policy, which were:
 - *"We will not exclude transgender people from positions which require a gender-appropriate candidate" and*
 - *"Transgender people will not be excluded from gender-appropriate single sex/sex segregated facilities operated by the council"*

4. Responsible Service

Corporate Strategy (but all Council services are responsible for implementing the Policy)

5. Who will be affected by this strategy, policy, plan, project, contract or major change to your service? (Please tick those that apply)

☒ Residents of Cambridge City

☒ Visitors to Cambridge City

☒ Staff

Please state any specific client group or groups (e.g. City Council tenants, tourists, people who work in the city but do not live here):

The changes made to the revised Comprehensive Equalities and Diversity Policy are most likely to impact on people with protected characteristics of gender reassignment and sex.

6. What type of strategy, policy, plan, project, contract or major change to your service is this? (Please tick)

☐ New

☐ Major change

☒ Minor change

7. Are other departments or partners involved in delivering this strategy, policy, plan, project, contract or major change to your service? (Please tick)

☐ No

☒ Yes (Please provide details):

All services are responsible for implementing the Policy

8. Has the report on your strategy, policy, plan, project, contract or major change to your service gone to Committee? If so, which one?

A revised version of the Comprehensive Equalities and Diversity Policy was presented to the Environment and Community Scrutiny Committee on 4 October 2018. The Executive Councillor for Communities approved the revised policy at the meeting, including the changes set out in section 3 above.

The Council has since conducted public consultation on the impact that these changes will have on people in Cambridge (further details of this consultation are set out in section 9 below). A report will be presented to Environment and Community Scrutiny Committee on 17 January 2019, which will provide a summary of the consultation findings and proposals for how the revised Policy should be implemented by Council services.

9. What research methods/ evidence have you used in order to identify equality impacts of your strategy, policy, plan, project, contract or major change to your service?

The report to Environment and Community Scrutiny Committee on 4 October 2018 was informed by an assessment of the impact of the commitments in the Policy from 2010 to 2018 regarding transgender people's access to single-sex jobs and single-sex facilities. As part of this assessment, officers spoke to managers of all relevant Council services (including: Community Grants; Homelessness Grants; public toilets; toilets, showers and changing rooms in leisure facilities; single-sex sports sessions; and single-sex health and well-being sessions) to identify how the Policy was applied in practice, and whether there had been any complaints or issues raised regarding transgender people accessing single-sex services and facilities.

At the Committee meeting on 4 October 2018, the Council agreed to undertake a consultation to explore the potential impacts on all equality groups of the changes to the policy set out in section 3 above. The purpose of the consultation was to help inform of the practical implementation of the revised policy by Council services. The consultation was carried out during October and November 2018 and included the following elements:

9. What research methods/ evidence have you used in order to identify equality impacts of your strategy, policy, plan, project, contract or major change to your service?

- Inviting the 24 organisations that responded to the consultation in June 2018 on the Council's new Single Equality Scheme (2018- 2021) to provide feedback on the impacts of the changes in the Policy. The Council received responses from eight organisations that were: Cambridge Rape Crisis, Cambridge Women's Aid, Cambridgeshire County Council, Cambridgeshire Older People's Enterprise, The Encompass Network, The Kite Trust, Lifecraft, and St. John the Evangelist Church.
- Publishing a public consultation survey on the Council's website from 18 October 2018 to 16 November 2018. The Council received 275 responses to the survey.
- Consulting members of the Council's Equalities Panel at a meeting on 19 November 2018.
- Consulting Council staff through a consultation meeting held on 13 November 2018, which was open to any interested member of staff. The meeting was attended by ten staff members.

10. Potential impacts

For each category below, please explain if the strategy, policy, plan, project, contract or major change to your service could have a positive/ negative impact or no impact. Where an impact has been identified, please explain what it is. Consider impacts on service users, visitors and staff members separately.

(a) Age

Some responses to the public consultation survey suggested that the Council needs to protect the “safety”, “privacy” and “dignity” of girls, as well as women, when implementing our Policy. However, these respondents did not identify any specific potential impacts that the implementation of the Policy could have on girls that were different from any potential impacts on women.

With regard to safety of young people, including girls, our services, and services undertaken by third parties on our behalf, are required to have safeguarding policies.

One respondent asked the Council that it does not reinforce gender stereotypes in applying its Policy, which could increase inequalities between girls and boys (and then women and men).

(b) Disability

The response to the public consultation did not identify any specific impacts for this equality group. However, the proposals set out in the Committee report on 19 January 2019 for implementing the Policy in Council-owned leisure centres may have a negative impact for disabled people.

In leisure centres (Cherry Hinton Leisure Village Centre, and King’s Hedges Learner Pool) which only have open-plan female or male changing rooms, it is proposed that disabled changing rooms can be used by any member of the public who requires a private self-contained space to change and shower. This could potentially mean that, on occasions, a disabled person wishing to use the disabled changing rooms may have to wait, if they are already occupied by a member of the public requiring a private changing space.

(c) Gender reassignment

It is not expected that the proposed changes to the Council's policy set out in section 3 will have a significant impact on people with the protected characteristic of gender reassignment, as the changes are consistent with the law.

Independent legal advice received by the Council states that, where a service is being lawfully provided on a separate-sex or single-sex basis, the Equality Act 2010 requires that in general the Council (as a public service provider) should allow people with the protected characteristic of gender reassignment (also referred to as "transsexual" people in the Act) to access services according to their acquired gender. The revised wording of the Council's Policy is consistent with this requirement.

Gender reassignment, for the purposes of the Act, does not refer to a medical process. It is a personal process (that is, moving away from the sex to which a person was assigned at birth to that person's preferred or acquired gender).

The Equality Act 2010 includes an exception that permits the Council (as a service provider), in exceptional cases, to provide a different service to a transsexual person, or exclude a transsexual person from a service altogether. However, the Council would only be able to exclude transsexual people from separate-sex or single-sex services where this is a "proportionate means of achieving a legitimate aim" and it is "objectively justified". The revised wording of the Council's policy is consistent with this exception.

(c) Gender reassignment continued

Some respondents to the public consultation survey shared concerns that the wording of the previous Policy was more inclusive for transgender people. They suggested that the wording of the new provision could be interpreted as meaning that the Council no longer is as supportive of transgender people. Some people felt that this might lead transgender people to be concerned about their safety in using single sex facilities that they have always used in case they are challenged in doing so by other members of the public. One voluntary organisation we consulted with supported this view:

People would feel threatened or worried because they may not know how the policy would be implemented, or recognise that the policy could be manipulated to discriminate against transgender people. If you can communicate your intentions and the way in which this policy would be enacted in real life examples, people will be more likely to understand and a potential situation could be averted. It would be a good idea to emphasise that the policy is only a statement and the importance lies in how this commitment will be executed.

The Equalities Panel supported the need for the Council to set out clearly how the Policy will be applied in this context. One member of the Panel shared their understanding of the legal position in light of this:

My understanding of the legal position is that a decision to exclude trans people from a particular service would need to be taken, and justification given, ahead of time rather than retrospectively. The current confusion means that trans people are less likely to use services in Cambridge, which is a negative impact.

In response to this feedback, the Council has clarified its current approach to applying the revised Policy to current single-sex services and facilities that it provides. This is detailed in section 6 of the report to Environment and Community Scrutiny Committee on 17 January 2018. The report states that the Council's current approach is for transsexual people to continue to be able to use current facilities according to their acquired gender, including public toilets, toilets in community centres, or leisure centre facilities (including toilets, changing rooms and showers).

For leisure facilities which only have open plan male showers (including Abbey Leisure Complex, Cherry Hinton Village Leisure Centre, Kings Hedges Learner Pool, and Parkside Pools) we are undertaking a facilities audit to look into the feasibility of adding a cubicle to these areas. This will help meet the needs of any services users who require more privacy, including transsexual men and cis men.

Stakeholder organisations that responded to the consultation also felt that there was a lack of clarity related to how we will continue to protect the rights of transgender people more broadly. One organisation said:

"In our opinion, the change in language can be seen as a step backward as it does not outline the specific ways the Council intends to protect the rights of the transgender community. By referring to transgender people as people with 'the characteristic of gender reassignment', it may end up confusing the matter rather than making your aim to protect

(c) Gender reassignment continued

transgender people clear.”

Another organisation acknowledged that the Council needed to change terminology from ‘gender’ to ‘sex’ in order to reflect legislation but expressed they *“are concerned that this could be perceived as a less progressive step and the proposed changes from ‘gender’ to ‘sex’ could be seen to limit the definition and could exclude the non-binary community.”*

The Council is committed to tackling discrimination and promoting equality for all equality groups, including transgender people more broadly. The Council funds The Kite Trust and the Encompass Network through its Community Grants to support transgender people. As part of the Safer Spaces project, the Council will also be working with Encompass Network to identify how it can more proactively meet needs of all transgender people.

The independent legal advice stated that we needed to change terminology used in our Policy to reflect the protected characteristics in the Equality Act 2010. This included using the “protected characteristic of gender reassignment”, which is defined in the Equality Act, rather than “transgender”, which is not. The law assumes non-binary people will access single-sex or separate-sex services according to their sex.

(d) Marriage and civil partnership

No impact has been identified specific to this equality group

(e) Pregnancy and maternity

No impact has been identified specific to this equality group

(f) Race

No impact has been identified specific to this equality group

(g) Religion or belief

Some respondents to the public consultation survey suggested that providing access to single-sex facilities or services for people with the protected characteristic of gender reassignment may have implications for cis women of any religion that requires them to be covered in the presence of anyone with male biological anatomy. Some of these women may be more likely to use single-sex sports sessions or health sessions for this reason, and it has been suggested that they might not attend sessions if they are also attended by people undergoing gender reassignment with male physical attributes.

However, we do not currently have any evidence of this being the case. Since we have had the two provisions in the policy regarding transgender people, Council officers have not received any complaints regarding transgender people using single-sex sports sessions we run or our single sex facilities.

The report to Environment and Community Scrutiny Committee on 17 January 2019 identifies a needs to carry out separate equality impact assessments (EqIAs) for the current women's swimming sessions at Abbey Pool (which the Council commissions in part) and the women's health and wellbeing sessions (which the Council provides directly). EqIAs for these services are needed to clarify the purpose of the sessions, which has changed over time, and identify how the Council can best meet the needs of different protected characteristics.

(h) Sex

It is not expected that the proposed changes to the Council's policy set out in section 3 will have a significant impact on women, as the changes are consistent with the law.

As set out in section 3 above, the word "gender" was replaced with "sex" in the revised Policy approved at Environment and Community Scrutiny Committee on 4 October. This change was to ensure that the policy is consistent with the wording of the Equality Act 2010 and that it is lawful.

Some responses to the public consultation survey were supportive of this change in wording. However, many of the responses to the public consultation survey expressed confusion related to the difference in meaning between 'gender' and 'sex'.

(h) Sex continued

The definition of 'sex' in the Equality Act 2010 "is a reference to a man or to a woman". Gender is not defined in the Equality Act 2010, but in the glossary of terms that accompanied the government's Gender Recognition Act 2004 consultation, gender is defined as: *"often expressed in terms of masculinity and femininity, gender refers to socially constructed characteristics, and is often assumed from the sex people are registered as at birth"*.

The Council currently provides a number of separate-sex or single-sex services for women. This is consistent with the exceptions in the Equality Act 2010, which allow service providers (including local authorities) to provide separate-sex or single-sex services, provided specific conditions are met. The separate-sex and single-sex services provided by the Council include:

- public toilets;
- toilets, showers and changing rooms in leisure facilities;
- single-sex sport sessions;
- single-sex health and well-being sessions;
- Community Grants to women's organisations; and
- Homelessness Grants to organisations providing outreach support for women who have experienced domestic violence.

Independent legal advice received by the Council states that, where a service is being lawfully provided on a separate-sex or single-sex basis, the Equality Act 2010 requires that in general the Council (as a public service provider) should allow people with the protected characteristic of gender reassignment (also referred to as "transsexual" people in the Act) to access services according to their acquired gender. The revised wording of the Council's Policy is consistent with this requirement.

Gender reassignment, for the purposes of the Act, does not refer to a medical process. It is a personal process (that is, moving away from the sex to which a person was assigned at birth to that person's preferred or acquired gender). The report states that the Council's current approach is for transsexual people to continue to be able to use current facilities according to their acquired gender, including public toilets, toilets in community centres, or leisure centre facilities (including toilets, changing rooms and showers).

The Equality Act 2010 includes an exception that permits the Council (as a service provider), in exceptional cases, to provide a different service to a transsexual person, or exclude a transsexual person from the service altogether. However, the Council would only be able to exclude transsexual people from separate-sex or single-sex services needs to be a "proportionate means of achieving a legitimate aim" and has to be "objectively justified". The revised wording of the Council's policy is consistent with this exception.

(h) Sex continued

The majority of the respondents to the public consultation survey expressed concerns regarding how the Council will protect the “safety”, “privacy” and “dignity” of women and girls when using the same toilets as transsexual people who might have male physiology. Respondents raised this concern most frequently in relation to public toilets, but also with regard to other single-sex services provided by the Council.

In response to this feedback, the Council has clarified its current approach to applying the revised Policy to current single-sex services and facilities that it provides. This is detailed in section 6 of the report to Environment and Community Scrutiny Committee on 17 January 2018. The report states that the Council’s current approach is for transsexual people to continue to be able to use current facilities according to their acquired gender, including public toilets, toilets in community centres, or leisure centre facilities (including toilets, changing rooms and showers).

The Council’s overall approach is based on ensuring that people with protected characteristics have the opportunity to access facilities and sessions that meet their needs, and to do so safely. Service managers have not received any complaints over the past 8 years regarding transgender people accessing the separate-sex and single-sex services listed above. It is possible that if service users did have any concerns, they may not have reported them, but it is impossible to assess whether this is the case. In relation to public toilets specifically, the Council does not have evidence from CCTV, the Police or complaints made to Council Officers that safety of anyone using our public toilets is an issue.

The existing toilet facilities provided by the Council provide privacy for people using toilets. In all our public toilet facilities there are cubicles available for going to the toilet in privacy. This includes men’s toilet facilities, some of which have urinals in a communal space. Similarly, in all our leisure centres, there are cubicles in both the male and female toilets for people requiring more privacy.

In leisure centre changing rooms and showers, there are a range of options for women, men and transsexual people in using the facilities (including options for people wanting greater privacy for whatever reason). Most changing rooms offer cubicles which provide privacy for people when changing (e.g. swimming changing rooms at Parkside Pools and Abbey Pools). Abbey and Parkside pools also offer the option of gender neutral changing villages with cubicles.

Even in facilities where changing rooms are open plan (e.g. Kings Hedges Learner Pool, Cherry Hinton Village Centre, Abbey and Parkside gyms) options are available for people wanting more privacy. Options are to use changing rooms elsewhere in the venue that consist of cubicles, or to use the self-contained disabled changing rooms. (For the facilities with open plan female and male changing rooms, disabled changing rooms do not require a radar key for access in case individuals want private space).

(h) Sex continued

All leisure centres offer cubicles for privacy, except for some men's showers that are currently open plan in four venues (Abbey Leisure Complex, Cherry Hinton Village Leisure Centre, Kings Hedges Learner Pool, and Parkside Pools). In these venues, we will undertake an audit to look into the feasibility, related to costs and space, of introducing options of cubicle showers for men and transsexual men wanting greater privacy. This will help meet the needs of any services users who require more privacy, including transsexual men and cis men.

The Council also provides some single-sex sport sessions that are open to either women or men. Most of these sports sessions are not specifically directed at people who may be vulnerable and do not require physical contact. No safety concerns have been identified for transsexual women and women to take part in the women's sessions, and transsexual men and men to take part in the men's sessions. Therefore, our policy to enable transsexual people to take part in sessions according to their acquired gender will remain the same.

The report to Environment and Community Scrutiny Committee on 17 January 2019 identifies a needs to carry out separate equality impact assessments for the current women's swimming sessions at Abbey Pool (which the Council commissions in part) and the women's health and wellbeing sessions (which the Council provides directly). EqlAs for these services are needed to clarify the purpose of the sessions, which has changed over time, and identify how the Council can best meet the needs of different protected characteristics.

(i) Sexual orientation

No impacts have been identified specific to this equality group.

(j) Other factors that may lead to inequality – in particular – please consider the impact of any changes on low income groups or those experiencing the impacts of poverty

None identified

11. Action plan – New equality impacts will be identified in different stages throughout the planning and implementation stages of changes to your strategy, policy, plan, project, contract or major change to your service. How will you monitor these going forward? Also, how will you ensure that any potential negative impacts of the changes will be mitigated? (Please include dates where possible for when you will update this EqlA accordingly.)

Respondents to the consultation survey, Council staff and voluntary organisations felt it would be important for the Council to consult with service users, including transsexual people and women, if it were to consider applying the exceptions to any services or facilities in future.

For the women's swimming sessions (that the Council commissions in part) and the Women's Health and Wellbeing sessions, the Council shall carry out an equality impact assessment (EqlA) in order establish how it can best meet the needs of different equality groups through each service. The Council shall also consult with services users to develop evidence on this.

In leisure centres with open plan male showers (Abbey Leisure Complex, Cherry Hinton Village Leisure Centre, Kings Hedges Learner Pool, and Parkside Pools), we will undertake an audit to look into the feasibility, related to costs and space, of introducing options of cubicle showers. This will help meet the needs of any services users who require more privacy, including transsexual men and cis men.

12. Do you have any additional comments?

No

13. Sign off

Name and job title of lead officer for this equality impact assessment: Helen Crowther, Equality and Anti-Poverty Officer

Names and job titles of other assessment team members and people consulted:

- Andrew Limb, Head of Corporate Strategy
- Antoinette Jackson, Chief Executive
- David Kidston, Strategy and Partnerships Manager, Corporate Strategy
- Tom Lewis, Head of Practice, Legal Services

Date of EqlA sign off: 6 January 2019

Date of next review of the equalities impact assessment: Early 2019 for Abbey Pool Women's

Swimming sessions and Women's Health and Well-Being sessions

All EqlAs need to be sent to Helen Crowther, Equality and Anti-Poverty Officer. Has this been sent to Helen Crowther?

☒ Yes

☐ No

Date to be published on Cambridge City Council website: 7 January 2019



Item

COMMUNITY GRANTS 2019-20

To:

Councillor Anna Smith, Executive Councillor for Communities

Environment & Community Scrutiny Committee 17/01/2019

Report by:

Jackie Hanson, Community Funding & Development Manager

Tel: 01223 457867 Email: jackie.hanson@cambridge.gov.uk

Wards affected:

All

Key Decision

1. Executive Summary

- 1.1 This is the annual report for the Community Grants fund for voluntary and community sector (VCS) organisations. It provides a brief overview of the process, eligibility criteria and budget in Section 3 and Appendix 1 details the applications received with recommendations for 2019-20 awards.
- 1.2 Information on the budget and process for Area Committee Community Grants is detailed in Section 4.
- 1.3 In 2018 the Executive Councillor for Communities approved a review of grants to VCS organisations across the Council to achieve greater transparency, consistency and accountability and to explore the potential for the development of a single grants gateway for major grants. Section 5 provides an update on this work.
- 1.4 Section 6 provides an update on the transitional arrangements for funding neighbourhood community projects and partnerships.

2. Recommendations

The Executive Councillor is recommended to:

- 2.1 Approve the Community Grants to voluntary and community organisations for 2019-20, as set out in Appendix 1 of this report, subject to the budget approval in February 2019 and any further satisfactory information required of applicant organisations.
- 2.2 Allow Safer Communities to retain £10,000 (previously allocated to area committee grants) to enable the Council to respond to community priorities as they arise.

3. Community Grants

- 3.1. The Community Grants fund was established in 2015-16 following a review of Community and Arts and Recreation Development Grants with a budget of £900,000 which remains unaltered for 2019-20, subject to approval of the Council's budget in February 2019. The budget is split into £840,000 for the main round and £60,000 for Area Committee Community Grants. An additional £100,000 has been allocated to the main round for 2019-20, as detailed in paragraph 3.2 below, making £940,000 available for the main grants.
- 3.2 In June 2018, the Executive Councillor approved a revised process for funding anti-poverty projects to be delivered by VCS organisations:
 - a. An additional funding priority of 'reducing poverty' to be incorporated into the Council's Community Grants enabling VCS organisations to apply for funding as part of the main grants round.
 - b. An additional budget of £100,000 was allocated to the Community Grants budget for 2019-20. It would not be ring-fenced to the 'reducing poverty' priority but remain flexible to allocate to the best bids from VCS organisations. This is consistent with the current approach to the Community Grants, which has an overall focus on 'reducing social and/or economic inequality'.
 - c. For subsequent years, any additional budgetary allocation to the Community Grants will be made in the Budget Setting Report.
- 3.3 The priorities and outcomes for the Community Grants fund have been updated as follows:

Priorities - All applications must demonstrate how the funding will reduce social and/or economic inequality, by removing barriers for City residents with the highest need, to enable them to access one or more of the funding priorities:

- Sporting activities
- Arts and cultural activities
- Community development activities
- Reducing poverty activities
- Legal and/or financial advice¹
- Employment support or
- Capacity building of the voluntary sector to achieve the above

Primary Outcome - Reduce social and/or economic inequality for City residents with the highest needs

Strategic Outcomes - As well as the primary outcome activities must achieve one or more of the following strategic outcomes:

- Improved health and wellbeing
- Communities come together and bring about change
- More people have better opportunities to gain employment
- Stronger voluntary sector in the city

3.4 The 2019-20 Community Grants programme opened in August 2018 for applications and closed on 1st October 2018. A communications and publicity plan was implemented including a press release, newsletter articles, emails, networking and targeted conversations to promote the grant fund.

3.5 A range of activities have been undertaken to support organisations to understand the funding criteria and requirements needed for a successful application, including:

- Attending organisation's committee meetings, 1-2-1 meetings
- Training sessions and application workshops held jointly with Cambridge Council for Voluntary Service (CCVS)
- Application Guide and help notes detailing the priorities, outcomes and eligibility criteria and giving guidance on requirements question by question
- Factsheets, templates and signposting to other funding providers
- Engagement with the Cambridge Ethnic Community Forum and individual black and minority ethnic organisations

¹ Organisations applying to give legal advice and support must have the Advice Quality Standard (AQS) or equivalent

- 3.6 Even though organisations were encouraged to engage with us for help and support with their applications some chose not to and some applications were received which did not meet the basic criteria of the fund, requesting funds for non-targeted activity.
- 3.7 The Community Grants fund continues to accept Discretionary Rate Relief (DRR) applications that meet the funding priorities, outcomes and eligibility criteria. DRR contributions from this fund will need to be kept under review to ensure it responds to any changes in Business Rates policy and currently represents good value for money with this budget having to find 40% of any award made under the Business Rate Retention Scheme.
- 3.8 All applications were assessed against the same assessment matrix developed around the priorities and outcome used in previous years, ensuring a consistent approach. These assessments were then moderated by strategy officer meetings informing the award recommendations detailed in Appendix 1. The Executive Councillor attended a meeting with officers to review the process and outcomes.
- 3.9 Where no funding is proposed it will be due to one or more of the following not being adequately met:
- Grant scheme priorities
 - Grant scheme outcomes
 - Identifying need
 - Quality or viability of the project, or
 - Proposals were the remit of another service or organisation such as the County Council, Health, Housing etc
 - Organisations did not demonstrate the beneficiaries could not fund the activity themselves, or that reserves could not be used to fund the activity
- 3.10 If the recommended awards are approved there will be £18,725 remaining. An additional £10,000 will be added to Area Committees for 2019-20 (see 4.1 below) and £8,725 will be available for officers to consider enquiries during the year.

4. Area Committee Community Grants

- 4.1 The basic Community Grant allocation of £60,000 to Area Committees remains the same for 2019-20. Safer Communities have offered a contribution to the Area Committee grants of £10,000 in previous years

but this will remain in the service budget for 2019-20 to enable the Council to better respond to community priorities as they arise. For 2019-20 an additional £10,000 will be added from the unallocated main fund detailed in 3.10 above.

The chart below shows the amount available by area:

Area Committee	2019-20
North	£24,235
East	£21,295
South	£17,605
West Central	£6,865
Total	£70,000

- 4.2 The Area Committee grants round has been widely promoted and following the closing dates for applications, assessments will be undertaken and reports taken to each area committee with recommendations for funding.

5. Corporate Review of Grants to Voluntary & Community Sector Organisations - Update

- 5.1 The Council currently awards approximately £1.8m grants to VCS organisations from a number of funds across different service areas. The processes associated with each grant fund have been developed separately over time, with the result that there are significant variations in the way that the different funds are managed. This includes varying degrees of publicity, differing approval processes, decisions being made at different points in the year and varying approaches to monitoring and evaluating of grant-funded projects.

- 5.2 Over the years a number of grant funds have been incorporated into the Community Grants (Community Development Grants, Arts and Recreation Grants and Economic Policy Grants). The remaining funds are as follows:

£689,466	Homelessness Prevention Grants (Housing Services)
£30,000	Sustainable City Grants (Corporate Strategy)
£11,000	Cycling and Walking Grants (Environmental Services)
£2,600	Twinning Grants (Corporate Strategy)

- 5.3 Following a report to this committee in June 2018 officers were asked to:

- Explore the potential for a single corporate grants 'gateway' for grant funds awarded by the Council to VCS organisations. This would bring greater consistency to the Council's grant process by ensuring that all grants are advertised at the same time and following the same application, assessment and approval process and timetable.
- Consider offering some multi-year (up to 3-year) funding allocations to provide greater certainty for projects which require more than one year to develop and deliver. It could also help increase the sustainability of the sector at a time when organisations are experiencing greater financial pressures.

5.4 The key stages of this review included:

- Clarify the criteria, processes and approvals for each of the major grant funds
- Undertake an options appraisal to identify the benefits and risks associated with bringing each of the main grant funds into a single gateway
- Explore the potential for longer term funding

5.5 The mapping work has been completed and further work is now required to look at more detailed process development and feasibility. The outcomes of this will be reported back to this committee in March 2019.

6. Neighbourhood Community Partnerships & Projects (NCPs)

6.1 Following a review in 2014 funding was approved to 31st March 2018 for the three NCPs (Kings Hedges and Arbury NCPs and Abbey People). At this time the organisations were encouraged to maximise opportunities for external funding in order to lessen their financial reliance on the Council in future years. The funding available for this work currently totals £84k which includes support for facilities, staff and project costs.

6.2 In order to align to the Building Stronger Communities strategy, the following changes were agreed to this funding in January 2018:

- The development of a transparent and accountable approach to funding VCS organisations to meet the Council's objectives. This would include the funding available for work currently undertaken by the NCPs and alignment to the community grants process.

- The alignment of resources, targeted at areas of highest need and providing value for money – noting that other areas and organisations may come forward.
- The funding for this type of work to sit within the wider community development resource, so that it can be used flexibly to meet the needs of local communities.

6.3 To support the current NCPs a programme of work was put in place for a transition period and NCPs were asked to:

- submit proposals to undertake community development activity in accordance with the Council's priorities to be considered for funding as follows:
 1. Application for resources for April – September 2018 (reviewed in Autumn 2018)
 2. Application for funding for October – March 2019 (reviewed in March 2019)
 3. Forward planning for 2019-20 early 2019
 4. 2020-21 – grant application criteria and process
- focus on strengthening governance and developing greater independence from the Council and sustainability
- develop partnership working with other local community based organisations

6.4 North Cambridge Community Partnership (NCCP) Update

- The Kings Hedges and Arbury NCPs merged to form the North Cambridge Community Partnership which is a Charitable Incorporated Organisation (CIO)
- The NCCP is responsible for the management of 37 Lawrence Way community house and community projects in the Arbury and Kings Hedges areas
- The Council has a service level agreement with the NCCP for the management of Nuns Way Pavilion
- The NCCP are working towards directly managing any workers they require from 1st April 2019, when the Council's temporary contract will cease.

6.5 Abbey People Update

- Gained Charitable Incorporated Organisation (CIO) status
- Now employ their own workers independently from the Council
- Deliver community projects in the Abbey area

6.6 Officers have continued to support the NCPs through these interim arrangements to prepare for a more competitive and accountable

process. Following the review of 2018-19 in March 2019 and the development of an application process aligned to community grants from 2020-21, a further report to progress the work will come back to this committee in June 2019.

7. Voluntary Sector Support

- 7.1 The Grants Team continue to work in depth with a range of organisations to help them develop good governance and policies and also work in partnership to support the sector.
- 7.2 Volunteer for Cambridge 2018, held on October 20th, saw over 80 organisations and 800 members of the public come together to network and find out more about volunteering and the opportunities available. Initial feedback on the event has been collated and a further follow up will be undertaken to review the success of the event.

8. Implications

(a) Financial Implications

- The £900,000 Community Grants budget remains cash-limited and is subject to the Council's budget approval February 2019
- The recommended awards from the Community Grants budget are as set out in Appendix 1
- A £60,000 contribution from this fund is available for Area Committee Community Grants for 2019-20, with an additional £10,000 if there is sufficient remaining after awards are approved.
- An additional £100,000 has been approved for one year for 2019-20 awards to embed the reducing poverty priority. For grants for 2020-21 onwards, any additional budgetary allocation could be made through the Budget Setting Report.

(b) Staffing Implications - There are no staffing implications

(c) Equality and Poverty Implications - Equalities Impact Assessments were carried out as follows:

- December 2013 to inform the Community and Arts and Recreation Development grants review process
- July 2014 in the context of the findings from the review and desktop research to inform the new Community Grants priorities and outcomes
- January 2015 on the implementation of the Community Grants Fund

- June 2018 on the review of funding for anti-poverty projects

- (d) Environmental Implications** - Funded organisations are expected to have or develop environmental policies.
- (e) Procurement Implications** - The Council's approach to grant aid through the Community Grants is via an application process rather than through the direct commissioning of services.
- (f) Community Safety Implications** - The contribution from Safer Communities to Area Committee Grants has been redirected to their main budget to utilise on emerging priorities.
- (g) Consultation and communication considerations** - Applicants were notified when this report was published detailing recommended awards, giving an indication of proposed funding from April 2019. This adhered to the Cambridgeshire Compact framework to give three months' notice of funding changes. Officers will continue the process of award notification, signposting and support, and implementing and monitoring awards.

9. Background papers - None

10. Appendices

Appendix 1 – Community Grants 2019-20 Award Recommendations

11. Inspection of papers

To inspect the background papers, or if you have a query on the report, please contact:

Jackie Hanson, Community Funding & Development Manager
tel: 01223 - 457867, email: jackie.hanson@cambridge.gov.uk.

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Appendix 1- Community Grant Award Recommendations 2019-20

The following recommendations are subject to the confirmation of the Council's budget in February 2019 and, in some cases, the receipt of satisfactory information from applicant organisations (this could include projects, programmes, finances, governance etc).

- The activity being funded will be detailed in grant agreements
- Figures in brackets are the numbers of beneficiaries
- Where no funding is recommended it is due to one or more of the reasons stated in 3.9 of the report

DRR = Discretionary Rate Relief - amount to be confirmed when rateable values for 2019-20 are available
(Council pays 40% of actual cost)

DP = Different project was funded in 2018-19

Key:

P = Main Priority

P1 - Sport

P2 - Art

P3 - Community Development

P4 - Employment Support

P5 - Legal & Financial Advice

P6 - Capacity Building

P7 - Reducing Poverty

Ref No	P	Group	Activity	Project Cost	Bid Amount	Award	2018-19 Award
1	P2	30 Bird Productions - create new art forms, engaging with a diversity of participants and audiences in various spaces and places	One year participatory project using live performance, film and documentation with 3 marginalised groups - Persian people, migrants and families with children in chronic pain. Monthly meetings and public presentation as part of Junctures 4 2020 - Science Festival (40 all city)	35,700	31,200	£0	
2	P2	Acting Now - transform lives via social theatre for people with disabilities	20 social theatre workshops in partnership with Rowan for people with disabilities leading to 3 theatre performances (15 city)	4,265	2,265	£2,000	2,100
3	P3	Age UK - improve the lives of older people, provide a range of services and prevent isolation	20% DRR Cherry Trees, St Matthews Street CB1 2LT (286 city bens per week)		348	£348	339
4	P6	Allia Ltd - issues social investment bonds nationally to raise money for charitable activities and provides supportive workspace for social enterprises, charities and small businesses in Cambridge	Support for social enterprises with the greatest potential to address the city's grant priorities and which benefit city residents. Work with mature social enterprises, increase skills and sustainability of new social ventures, nurture next generation of social entrepreneurs; 4 x 2 hr workshops to address issues around starting up and running a social enterprise; 2 x 6 month civic innovation challenges to address social challenges in the city eg social isolation, mental health or food security; community group meetings. Strategic role with Combined Authority and national Government raise profile of Social Enterprises, informal CEO network focussing on sustainability (387 city) <i>Funded activity to be agreed with Grants Manager</i>	26,000	12,500	£7,000	7,000

Ref No	P	Group	Activity	Project Cost	Bid Amount	Award	2018-19 Award
5	P6	Allia Ltd	10% DRR The Future Business Centre, Kings Hedges Road CB4 2HY (12 voluntary organisations, 33 private organisations, 90 city residents) 10% DRR 47-51 Norfolk Street CB1 2LD. Future Business Enterprise Hub (10 voluntary organisations, 450 city residents)	DRR	2,250	£2,250	2,195
6	P6	Arbury Community Association - community centre for a range of groups and activities	20% DRR Arbury Community Centre, Campkin Road, CB4 2LD (59,000 all city; 80 organisations)	DRR	718	£718	700
7	P1	Bangladesh Welfare and Cultural Association Cambridge - facilitate the effective integration of the Bengali and British Bengali community	Multi sports training, youth football and female only exercise class (130:70 city) <i>Funded activity to be agreed with Active Lifestyles Team</i>	5,500	3,700	£1,000	1,000
8	P3	Bangladesh Welfare and Cultural Association Cambridge	Independence Day cultural event and day trip (300:165 city) <i>Fund hall hire and coach costs only</i>	2,110	1,010	£560	560
9	P6	Bath House Association - community meeting/office space	20% DRR The Bath House, Gwydir Street, CB1 2LW (838:600 city / 5 orgs)		140	£140	136
10	P3	Boishakhi Cultural Association - promotes Bangladeshi culture, organises social/cultural activities	1 seaside summer trip (125 all city); 1 community event with cultural activities, music, dance, comedy (150:140 city). <i>Fund coach hire only for low income city residents</i>	1,580	955	£760	730
11	P2	Cambridge 105 FM Radio - OFCOM licensed community radio station; volunteers trained to produce/broadcast programmes	20% DRR Unit 9a, 23-25 Gwydir Street, CB1 2LG (7000 city, 40 groups, 128 volunteers)	DRR	194	£194	189
12	P3	Cambridge African Network - platform for Africans and the general public to interact to promote general wellbeing and community engagement	Annual summer seaside trip (75:60 city) <i>Fund coach hire only for low income residents</i>	1,200	600	£600	
13	P3	Cambridge African Network	Black History Celebration event (200:160 city) <i>Fund venue hire only</i>	2,000	500	£440	
14	P5	Cambridge and District Citizens' Advice Bureau - provide advice people need for the problems they face, influence change for the better	Provide free generalist legal and specialist debt and money advice to city residents. Open 5 days a week, drop in, phone, email and appointments providing gateway assessments, generalist and specialist advice. Outreach generalist advice and virtual services including at Council Customer Contact Centre; development of advice website,	933,939	200,000	£200,000	200,000

			virtual advice services via touch screen kiosks with information assistants at partner organisations; website (1,500 users per month), volunteer promotion, recruitment and training (114 vols in place); further development of partnership working, eg Help Through Crisis network and with Centre 33 to engage more young people and Cambridge Ethnic Community Forum; "Support @ court" scheme; apprenticeship scheme to help vulnerable and excluded people. Complete debt and income maximisation service; training opportunities to key partners so they can deliver basic level advice (ie Cambridge Foodbank). Consumer hub, social policy campaigns, anti-poverty initiatives, maximise use of information collected (18,000:12,600 city) <i>Prioritise 2 sessions a week at the Council's customer service centre</i>				
15	P7	Cambridge and District Citizens' Advice Bureau - advice hubs targeting wards in city with high deprivation and /or poverty indicator	Outreach work - 5 sessions pw in 5 targeted city areas plus 1 day pw follow up work per session. Make Help through Crisis project resources available to clients who need longer term support. Develop work with Cambridge Ethnic Community Forum to engage more BAME clients, and also with Cambridge Women's Support Group and Cambridge City Foodbank. Specialist workshops in partnership with BPP Law School to community groups on topics such as housing, employment, consumer etc (450 city) <i>Areas to be agreed with Grants Manager</i>	83,825	50,000	£50,000	15,000
16	P5	Cambridge and District Citizens' Advice Bureau	Specialist welfare rights casework service 5 days a week, central and outreach, benefits appeal and representation service, training and updates in welfare benefits both to internal and external agencies, attend stakeholder meetings and forums, to respond to consultations on welfare reform and evidence the impact (300 city)	49,929	35,000	£30,000	30,000
17	P5	Cambridge and District Citizens' Advice Bureau	Deliver financial capability to debt clients, groups and frontline organisations to enable people facing financial hardship and associated social issues to learn how to better manage their money, reduce take up of inappropriate and illegal financial services, improve access to affordable and more appropriate services - financial, energy efficiency, develop money advice services, aim to reduce repeat clients, target those with limited financial skills (720:620 city)	79,309	20,000	£20,000	20,000

Ref No	P	Group	Activity	Project Cost	Bid Amount	Award	2018-19 Award
18	P5	Cambridge and District Citizens' Advice Bureau	20% DRR 66 Devonshire Road, CB1 2BL		3,349	£3,349	3,268
19	P1	Cambridge Chesterton Indoor Bowls Club - indoor bowls providing social and sporting activities and available for hire	20% DRR Logan's Way, CB4 1BL (850:780; 10 other orgs)		1,940	£1,940	1,893
20	P2	Cambridge Community Arts - art, music and drama courses in the community targeting people at risk of social exclusion mainly due to mental ill-health using personal creativity for positive change	Creating Diversity project - comprising engagement work leading to co-created project with BME users in partnership with the Cambridge Ethnic Community Forum; one day workshop with 8 diverse practitioners working in community arts for health followed by 2 x 8 week culturally appropriate creative courses (24:20 city)	5,647	5,147	£4,272	5,000
21	P6	Cambridge Council for Voluntary Service (CCVS) - supports community and voluntary groups, provides training, advice, information and acts as a voice for the sector	Support for city voluntary and community groups with organisational development and support, fundraising support, dispute resolution, resources information and guidance on emerging topics and revised best practice. Chief Officer support service.10 training courses. Representation on partnerships and forums. Networking and communications via 4 networking events, 1 city funding event, 11 newsletters, 25 e-bulletins, website, blog social media updates. Annual survey. Voluntary Sector Hub development (275 groups, 4 agencies)	56,338	52,738	£40,000	40,000
22	P6	Cambridge Council for Voluntary Service	Increasing volunteering opportunities for everyone and improving the volunteering experience via helping organisations improve recruitment, retention and management of volunteers; supported volunteering; awareness raising and promotion of volunteering. (150 city residents; 60 organisations)	44,729	28,000	£28,000	28,000
23	P6	Cambridge Council for Voluntary Service	Digital project developing skills and providing equipment enabling city voluntary organisations and CCVS itself to reach more beneficiaries using videos and webinars to make training films to reach more people(40 city+viewings)	9,660	9,660	£9,000	
24	P6	Cambridge Council for Voluntary Service	20% DRR 16-18 Arbury Court Road, Arbury Court CB4 2JQ		1,011	£1,011	986
25	P1	Cambridge Disabled Kid's Swimming Club - swimming for children with disabilities of different ages, needs and abilities	Weekly (42) swimming sessions for young children with disabilities and their families who need a warm, quiet environment at the Windmill hydrotherapy pool (29:21 city)	4,431	3,200	£3,200	3,000

Ref No	P	Group	Activity	Project Cost	Bid Amount	Award	2018-19 Award
26	P6	Cambridge Ethnic Community Forum - capacity building for the Black, Asian and Minority Ethnic voluntary sector in Cambridge to meet the needs of their members. Race Equality Service and cohesion projects	Capacity building service open 3 days a week comprising: information service, 3 newsletters, organisational development support, biweekly surgeries, 1-1 support for groups for 8-12 groups, 2 training sessions for 4-12 groups; engage with groups via 2 consultation meetings (10-12 groups); civic engagement development via 1 training and help others with survey of users; support 3 collaborative BME event; develop link with CCVS website (30+ groups; 2000:1900 individuals)	50,747	46,547	£24,500	24,500
27	P3	Cambridge Ethnic Community Forum	Race equality services (3 days pw) working towards elimination of discrimination and reducing social and economic inequality by improving access to services via drop in/signposting, telephone helpline (1,400 calls), data gathering, training and workshop, volunteer placements for unemployed people, developing relationships and partnership work with statutory sector organisations and key voluntary organisations. 6 voluntary organisations; 8 statutory sector; 2 private organisations (300:270 city)	17,597	16,097	£8,000	8,000
28	P5	Cambridge Ethnic Community Forum - (CHESS / Disability Cambridgeshire)	Partnership project to provide free, confidential, independent, impartial, specialist face to face advice, advocacy, casework and representation in relation to welfare benefits, social care, health, education, housing, employment, criminal justice, equalities and human rights via office and home visits. (105:90 city)	15,000	12,000	£10,000	10,000
29	P3	Cambridge Ethnic Community Forum	Annual cohesion event - promoting community cohesion and good relations (200); 3 collaborative events (450). (650:585 city)	4,343	4,043	£1,500	1,500
30	P2	Cambridge Film Trust - fosters film culture and education for public benefit. Year-round screenings, events and the Cambridge Film Festival.	12 x free film screenings in accessible venues - church halls, community centre in deprived wards of Cambridge - short and full length feature films including craft tables, Q and A's. Train local volunteers to run their own events/screenings using Cambridge Film Trust equipment enabling more screenings longer term (480 all city) <i>Fund 3 screenings in disadvantaged areas</i>	12,400	10,400	£4,500	
31	P3	Cambridge Gateway Club - befriending, social, and leisure activities for people with learning difficulties	Fortnightly club including cooking, arts and crafts, games, karaoke, ten pin bowling, seaside trip, cinema night (30:22 city)	2,156	1,100	£1,000	800

Ref No	P	Group	Activity	Project Cost	Bid Amount	Award	2018-19 Award
32	P3	Cambridge Hard of Hearing Club - monthly meetings for people who are hard of hearing to socialise together.	10 accessible meetings (including speech to text) with speakers and games; summer outing and Xmas trip (26:15 city)	2,307	700	£700	
33	P7	Cambridge Housing Society (CHS) Group - social enterprise and charitable housing association that helps people and communities overcome challenges	Digital inclusion project leading to employability in partnership with other social housing providers via 1-1 tuition x 6 weeks with flexible delivery and loan of equipment. Connect into other provision eg time credits network, Building Better Opportunities project, eLearning, volunteering etc (55 city)	31,655	16,897	£12,000	12,000
34	P7	Cambridge Housing Society (CHS) Group - provision at Corona House, and outreach, for vulnerable women.	New peer support service for vulnerable women accessing Corona Community. Range of activities. Lead groups and support participation, events and 1-1 support (20 all city) <i>Funded activities to be agreed with grants manager</i>	31,846	31,846	£5,000	
35	P1	Cambridge Malayalee Association - promotes social, artistic, cultural, sports activities for Malayalee residents	Promote sports for young children (athletics, badminton, cricket, football) and adults - informal and sport classes, encourage members to compete nationally (270:270 city). <i>Funded activity to be agreed with Active Lifestyles Team</i>	8,480	4,630	£1,000	1,000
36	P3	Cambridge Malayalee Association	Community Development activities - 3 cultural events + 30 days preparation for events (300 city) <i>Funding for hall hire for 2 events only</i>	9,680	7,680	£400	100
37	P3	Cambridge Malayalee Association	Traditional Malayalee dance training classes for children (50 all city)	3,000	1,000	£0	
38	P4	Cambridge Online - volunteer based educational charity providing disabled and disadvantaged people with access to computers, the internet, training and technology advice	Provide services 5 days a week to help people use computers and mobile technology with adaptive hardware and software for all disabilities; supportive and specially trained staff, tutors and mentors. Training and support includes: basic skills, website design, internet searches, CVs and applying for jobs, social media, You Can Do It online project. Recruit and train volunteers, some progress from learners and outreach services. (257:200 city)	69,238	25,000	£25,000	20,000
39	P7	Cambridge Re-Use - help people on low income or benefits to buy furniture, electrical and white goods and other donated household items, that they may not otherwise be able to afford	Develop work around increased referrals from Cambridgeshire Local Assistance Scheme (CLAS), especially around introduction of Universal Credit. Enable increased workload to be delivered. Awareness raising to those in furniture poverty. Increased support for volunteers to enable them to move into employment (2,191:1,421 city)	19,621	7,850	£7,850	

Ref No	P	Group	Activity	Project Cost	Bid Amount	Award	2018-19 Award
40	P7	Cambridge Sustainable Food - promoting good and affordable food; work on food poverty; healthy and sustainable diets; reducing food waste;	Thyme to Cook - 24 two hour cookery workshops cooked with healthy, low cost ingredients, for low income families and other vulnerable people who then share the meal (120 all city) <i>Funded activities to be agreed with grants manager</i>	12,823	11,325	£8,000	
41	P7	Cambridge Sustainable Food	Fun, Food and Action - participatory holiday lunch programme x 16 in Abbey and Trumpington (or in deprived wards) supporting children on free school meals. Partnership with local organisation. Award Tempo time credits. Include cookery workshop session for parents and children to help learnt to cook (120 all city) <i>Funded activities to be agreed with grants manager</i>	9,798	8,322	£6,000	
42	P7	Cambridge Sustainable Food - Food Poverty Alliance aims to reduce the level of food poverty in Cambridge - co-ordinate agencies, collate and monitor data, help people maximise income, increase availability of low cost, nutritious food	Developing the Food Poverty Alliance - organise conference, disseminate and implement actions from Food Poverty Action Plan, recruiting, liaising work, creating signposting tool, continue Health Start voucher scheme, train relevant professionals, support wider Holiday Lunch Club programme, networking. (1,650 all city) <i>Funded activities to be agreed with grants manager</i>	21,149	16,380	£5,000	
43	P7	Cambridge United Community Trust - deliver sport, disability football sessions and provide opportunities for as many people as possible to play sport.	Health and wellbeing programme in Abbey ward comprising weekly community wellbeing sessions, weekly digital inclusion sessions and facilitating the development of a volunteer led Abbey Youth Football club for boys and girls (160:120 city) <i>Contribution to digital project</i>	22,712	22,712	£3,000	
44	P3	Cambridge Women's Aid - information, advice, support for women who have experienced domestic violence	School holidays and half term playscheme for families living in the women's refuge. Activities and trips (120 all city)	9,000	5,000	£5,000	5,000
45	P4	Cambridge Women's Resources Centre - specialised support, information and training for women to increase skills, confidence, self-esteem and employability	Employability and wellbeing programme of 86 workshops, courses and groups, 100 1-1 career guidance and coaching sessions enabling skills and confidence building for women. User-led groups (200:140 city)	47,394	47,394	£38,000	39,300
46	P4	Cambridge Women's Resources Centre	20% DRR 10 Signet Court Swann Road, CB5 8LA (338 + city)		566	£566	552

Ref No	P	Group	Activity	Project Cost	Bid Amount	Award	2018-19 Award
47	P2	Cambridgeshire and Peterborough Foundation for the Arts and Mental Health (Arts and Minds) - participation in and experience of high quality arts and culture to maintain mental health, well-being and support recovery when people become ill	Evidence based early intervention project with adults with mental health issues - new delivery phase - rolling programme to increase retention rates - 40 workshops (10 per client) x 2 hours visual art workshops hosted by the University Museums; public exhibition (60:50 city) <i>Fund artist's fees only</i>	25,000	10,000	£2,000	4,000
48	P3	Cambridgeshire Older People's Enterprise - information and events for older people:	Promote and activate the interests of older people via bi-monthly newsletter, (2581:1222 city) <i>Fund newsletter, and proportion of rent and admin costs only.</i>	23,420	7,500	£5,000	7,500
49	P3	Cambridgeshire Society for the Blind and Partially Sighted (Camsight) - supports visually impaired children and adults in maintaining independence and well-being	Volunteer service - befriending, sport activities (bowling and swimming) and monthly peer support group (112:72)	14,841	1,304	£1,000	1,000
50	P3	Cambridgeshire Society for the Blind and Partially Sighted (Camsight)	10% DRR 167 Green End Road, CB4 1RW (1758; 585 city)			£606	592
51	P3	Cambridgeshire Vietnamese Refugee Community - cultural and social activities for older Vietnamese people	Community activities: Lunar New Year, Mid-Autumn Festival and summer outing (372:350 city) <i>Fund coach cost for summer trip only</i>	2,500	2,500	£650	1,000
52	P3	Centre 33 - support for young people to overcome problems through a range of free, confidential services: information, advice, counselling, mental health, young carer's services	Someone To Talk To Drop-in Service - the universal entry, gateway point into support services for young people with emotional and practical needs. Triage and provide free information, advice, assessment and advocacy via open access drop-ins, web based information, leaflets and factsheets. (3,756:3,079 city)	66,694	54,689	£36,500	36,500
53	P3	Centre 33	20% DRR 33 Clarendon St, CB1 1JX (3,500:3000 city)		641	£641	625
54	P3	Changing Directions - self-help group for adults with disabilities	Social activities, monthly meetings and outings to enhance self-esteem, social skills and confidence (24:14 city)	900	500	£500	350
55	P1	Chinese Families Together - organises traditional celebrations to maintain Chinese culture, sports and activities to enhance family values	Weekly badminton sessions x 2 hrs x 4 courts at Cambridge Regional College (CRC), targeting women, young and older people (180:130:city)	3,740	2,700	£2,200	2,670

Ref No	P	Group	Activity	Project Cost	Bid Amount	Award	2018-19 Award
56	P3	Encompass Network - supports, represents and empower LGBT+ people, communities and organisations. Strengthen visibility and bring people together	Programme of activities including 2-3 networking events; co-ordinate LGBT+ History Month (comprising 22 events); co-ordinate of Safer Spaces campaign; representation; co-ordination of themed meeting groups and events including a new people of colour LGBT group (2225:1975 city) <i>Funded activities to be agreed with grants manager</i>	17,466	14,996	£8,500	8,500
57	P4	Guidance, Employment and Training Ltd (GET Group) - specialist infrastructure group comprising and supporting groups providing guidance, employment and training support to disadvantaged, vulnerable people	5 GET group meetings, adult guidance and employment provision, policy, member updates, presentations, networking. Information distribution, Celebration of Adult Learning event, 1-1 support to member organisations on partnerships, structure, signposting, funding applications, strategic representation, surveys and case studies (54:52 city groups; 9 statutory organisations)	21,000	12,000	£12,000	12,000
58	P3	Homestart Cambridgeshire - family group providing support to families with at least one child under 5 and when family life becomes difficult	Peer support for particularly isolated mums with mental health issues with a child under 5. 38 sessions during term time to share experiences. Children are supported by staff to play, be creative and socialise with other children and interact with their mothers. (22 city) 10 families	7,550	5,000	£5,000	5,000
59	P6	Hunts Forum of Voluntary Organisations. Train and represent voluntary and community groups. Lead partner for Support Cambridge	Volunteering and Social Action Project: Love it, Hate it, Shape it - a social action research project using community conversation as a tool to develop social action initiatives – community mapping, conversation and challenge <i>Project area to be agreed with Neighbourhood Community Development Manager</i>	7,000	7,000	£7,000	
60	P4	Illuminate - provide confidence and personal development to those most disadvantaged	2 x one day pilot personal development coaching workshop for long term unemployed people with mental health issue. Work with 2 companies to enable future sustainability via corporate sponsorship (20:18 city) <i>Funding towards one course only</i>	2,450	2,450	£1,000	1,000
61	P3	Indian Cultural Society - promote awareness of Indian culture via cultural and social activities	South Asian Big Dance Celebration - music and food festival; art and cultural workshops for children (284:171 city) <i>Fund venue hire only for the festival</i>	6,511	1,000	£200	200
62	P2	Junction CDC - arts centre where arts meets life. Audiences and artists explore contemporary art, popular culture and creative learning	Community engagement programme: 1) Diversity: activity by and for people from diverse backgrounds, including 2 festivals, 8 diverse music and 6 diverse arts performances and 10 events 2) Community Access: subsidised space hire for 25 community performances, meetings and events, and 4 artist companies working with social and economic	580,543	55,000	£55,000	55,000

			inequality 3) Community Family: activity for children and families including 20 performances and 15 workshops, 40 Christmas performances 4) Youth: activity for young people including 11 performances, 30 workshops, 2 youth festivals, 15 disability arts workshops, and 2 targeted outreach projects (37,585:30,068 city)				
63	P2	Junction CDC	20% DRR The Junction, Clifton Way CB1 7GX		2,830	£2,830	2,761
64	P1	Kelsey Kerridge	20% DRR Kelsey Kerridge Sports Centre, Queen Anne Terrace CB1 1NA (1383:1167 city)		6,549	£6,549	6,389
65	P1	Kelsey Kerridge - multi-purpose sports centre: two fitness gyms, sports hall, climbing wall, squash courts, two fitness studios, function room, 30 classes pw	Sessions for disadvantaged groups including weekly fitness and football sessions mental ill-health, weekly fitness class for older people (112 city) <i>Funded activities to be agreed with Active Lifestyles Team</i>	5,828	5,828	£5,828	4,730
66	P2	Kettle's Yard - place for art, music, learning and research. Exhibitions, concerts, collections and engagement	Evolving City: targeted art engagement in north Cambridge. Artist in residence within the community developing new artwork in collaboration with the community. 20 full days of workshops/events to engage 'at risk' young people and their families, isolated older people, people with no or limited English language skills, long term unemployed. Attendance at festivals, community days; culminating in a performance, film or exhibition (3,500:3,170 city)	96,535	15,000	£12,000	12,000
67	P3	Khidmat Sisters - relieve isolation, loneliness of Black and Asian women via visits, get-togethers, outings, information (via speakers at events) and signposting	2 coach trips. Social events with health and wellbeing activities - exercises and speakers. Voluntary visiting scheme for isolated women who lack confidence to go out or are disabled (125:120 city) <i>Fund coach hire and social events</i>	3,600	2,250	£1,100	1,100
68	P3	Kings Hedges Family Support Project - family support drop-in's for parents and their children up to the age of 3	Family support drop-ins with family support workers and trained play workers seeing 100 families per week. (997:968 city) <i>Fund Thursday group at Brownsfield Community Centre</i>	127,035	18,570	£10,000	
69	P3	Kite Trust - support for LGBT+ young people in Cambridge to have better outcomes in life	LGBT+ activities: weekly drop-in groups 13-18 yr olds and 18-24 year olds with informal positive activities; fortnightly drop-ins for trans and gender questioning people age 13-18; monthly trans parent support group; 1:1 support 60 sessions; youth presence at Cambridge Pride 2019; weekly creative arts group; skills development and youth engagement via volunteering opportunities (100:120 city)	91,259	12,000	£9,500	9,500

Ref No	P	Group	Activity	Project Cost	Bid Amount	Award	2018-19 Award
70	P1	Level Water - provide bespoke, one-to-one swimming lessons for children with a physical or sensory disability.	1000 swimming lessons for disabled children age 4 - 11 at Parkside Pool (50 lessons each) (20 city)	23,060	2,400	£2,400	
71	P3	Meadows Children & Family Wing - intensive support for local families with preschool children / up to age 11 in north Cambridge. Bring together and support each other on a range of issues: parenting, healthy living, confidence, domestic violence, relationships and friendships	Family support programme for children and families. 1) 2 x weekly drop ins (100 sessions) - outreach, advice, information, support, signposting, facilitated play projects (60 city). 2) Empowerment, Children and Relationships course with crèche 3 x 6 wks (12 city)	57,365	56,365	£30,000	30,000
72	P3	Meadows Children & Family Wing	2 Self-esteem programmes with free crèche - one 3 x 12 weeks and one 1 x 10 weeks working with particularly disadvantaged women; includes 1-1 support. Risk assessments, referral work (70:61 city)	20,195	20,195	£11,525	10,000
73	P3	Meadows Children & Family Wing	Year round specialised weekly 2 hr specialist Peer Support Group for women with Crèche, 1-1 follow up (100:90 city)	21,577	3,475	£3,475	5,000
74	P2	Museum of Cambridge - social history museum which aims to tell the stories of all Cambridge people. Exhibitions, workshops, lectures, projects, activities, tea room, shop	"Our Cambridge at your Museum" - transition project for the museum to be a cultural community hub providing a stronger heritage, culture and tourism offer. 1. 4 seasonal co-curated programmes of exhibitions, events and themed talks around LGBTI month, Refugee Week, Cambridge Celebrates Age, Black History Month; 2. digital material development relating to each specific community building a longer term record; 3. development of loan boxes and material to enable groups to learn about each other . Other activities: website and social reminiscence campaign, oral histories, outreach at large community events, memory cafe, community support, takeover day and twilight at the museums. (1,800 city)	94,000	35,000	£35,000	35,000
75	P2	Museum of Cambridge	20% DRR 2/3 Castle Street CB3 0AQ		1,536	£1,536	1,499
76	P2	New International Encounter - creating devised performances / projects that speak directly and dynamically to a wide audience	Storytelling project with children and young people in Trumpington and Cherry Hinton culminating in a performance for participants and local community at Clay Farm Community Centre in February 2020. 8 x 2 hour workshops and 2 x 4 hr workshop (80 children all city)	14,719	6,519	£2,000	5,376

Ref No	P	Group	Activity	Project Cost	Bid Amount	Award	2018-19 Award
77	P2	Oblique Arts	Pop Up art workshop: 3 months in a Grafton Centre 4 days a week offering upcycling and inspirational art workshops access cultural activities; access accredited learning qualifications and access to project space with tools, materials and supervision (852 all city)	24,700	19,446	£0	
78	P3	Punjabi Cultural Society Cambridge - enable older people to be active, independent and healthy	Fortnightly social and cultural meetings for elderly people from Punjab/India with speaker and light exercise. (50:42 city)	1,950	550	£550	700
79	P4	Richmond Fellowship - specialist provider of mental health services: housing, care, employment and community	Employment support, advice and guidance to clients with mental health problems facilitating their progression towards employment, voluntary work, education, training through 1-1 sessions (100 city)	683,199	25,000	£18,000	20,000
80	P4	Richmond Fellowship	20% DRR 23 Signet Court, Swann Road, CB5 8LA		267	£267	611
81	P4	Romsey Mill Trust - supports young people and families who experience multiple disadvantage. Outreach, training, learning opportunities, sports, arts, positive activities	3 targeted accessible skills courses (each course 10 sessions x 2 hrs plus 1-1 support) for 35 young parents aged 19 and under who are seeking to gain a qualification to increase their chances to gain further education, employment or training after the birth of their child. Eating well on a budget; esteem course; Arts Award in partnership with Fitzwilliam Museum. Crèche for 30 children (53:38 city)	24,068	6,893	£6,500	6,000
82	P3	Romsey Mill Trust	Young Leaders Programme for targeted young people aged 15-21.16 weekly 2hr sessions on youth work practice working towards an accredited award; one volunteering opportunity per week x 30 weeks; 3 termly 3hr training workshops on youth work themes; celebration event residential (15 - 8 city) <i>Funded activities to be agreed with grants manager</i>	13,939	7,432	£3,500	DP
83	P3	Romsey Mill Trust	20% DRR Romsey Mill Centre, Hemingford Road, Cambridge CB1 3BZ		728	£728	710
84	P2	Rowan Humberstone Ltd - enable learning disabled students to become empowered and more independent by raising confidence and self-esteem through arts and crafts activities	In Plain Sight: 2 theatrical and 2 musical performances, preceded by musical and theatre workshops (35:18 city) <i>Funding towards 3 events</i>	5,572	2,665	£1,000	0
85	P2	Rowan Humberstone Ltd	10% DRR 40 Humberstone Road CB4 1JG		606	£606	592

Ref No	P	Group	Activity	Project Cost	Bid Amount	Award	2018-19 Award
86	P2	Strawberry Fair - free one-day arts and music festival run by volunteers for the people of Cambridge	Support to organise the event on 1st June 2019. 2 large outdoor stages, 4 tented stages, 3 smaller tented stages, buskers stage, radio stage, children's, science, arts, green food and stalls areas. Parade (40,000:26,800 city)	140,339	11,500	£10,000	8,000
87	P3	Student Community Action - recruit and train student volunteers to provide social, educational and practical support to vulnerable and disadvantaged residents and other local statutory and voluntary agencies	Student Volunteering Programme. Bounce: youth club for vulnerable, disadvantaged and disabled children. Big Siblings: 1-1 support for vulnerable or disabled children. Taskforce: practical 1-1 assistance for elderly or disabled people. Betty's: musical student visits to care homes. GOALS: 11-25 yr. olds with mental health issues, learning disabilities and who are isolated. External organisations: 80-120 student volunteers support other voluntary groups. (376:356 city)	36,493	7,000	£6,000	5,500
88	P7	Tempo Time Credits Ltd (previously Spice) - work in partnership with local funders and organisations to co-design and deliver Time Credits programmes that support positive impact for individuals, communities and local organisations	Capacity building and volunteer resourcing via extending and supporting access to Earn and Spend Network for 23 community groups, services and volunteers. 3 workshops in targeted neighbourhoods. Groups involve include Cambridge Foodbank, Kings Hedges Family Support Groups, North Cambridge Community Partnership (500 all city) <i>Fund support for city voluntary groups to sign up to the scheme and increase the number of volunteers to reach 300 volunteers by March 2020</i>	22,011	22,011	£10,000	
89	P3	Trumpington Residents Association - management of Trumpington Pavilion for the local community	20% DRR Trumpington Pavilion, Paget Road CB2 9JF (18,000:17,300 city; 30 groups)		287	£287	280
90	P6	Trumpington Village Hall	20% DRR 75 High Street, Trumpington CB2 9HZ		899	£899	877
91	P3	Turkish Kurdish Speakers in Cambridge - social, learning, leisure activities for Turkish, Kurdish and Cypriot communities	Monthly (9) breakfast meetings for families to socialise and participate in activities (378:331 city) <i>Fund hall hire only</i>	1,365	1,090	£600	600
92	P4	Turtle Dove - work with young women between 14-23 yrs who are NEET/at risk of becoming NEET, have mental health issues and lack confidence by providing a combination of youth support and work experience at events	Youth and employment support work - planning and running 50 events, workshops and other activities; 60 1-1 referral and support meetings (30:25 city)	46,100	6,300	£2,000	

Ref No	P	Group	Activity	Project Cost	Bid Amount	Award	2018-19 Award
93	P2	University of Cambridge Museums - collections available to the widest audiences via exhibitions, events, courses. Consortium of eight university museums. Programme to increase, deepen and diversify engagement	Arts and cultural engagement programme: 12 sessions in 3 sheltered housing schemes in partnership with City Council Independent Living Service; CHYPPS SummerDaze programme – 8 participatory opportunities for families at different venues, Discover Arts Award, celebration event in a museum, Bronze Arts Award for young parents (10); Creative Families x 4 sessions - support Early Years language and literacy through talking around creative Activities and Creative Families Award (10 families); Family Welcome x 3 events via museum familiarisation events for disadvantaged families; 6 inclusive holiday sessions for visitors with additional needs and disabilities including families affected by autism and children with life limiting condition x 5 (75); 2 taster sessions accessing work experience / training opportunities for young people in school community settings (30); participation in community festivals, carnivals and events; Twilight & Summer in the Museums for families (11.323 city bens)	117,807	21,868	£15,000	15,000
						£921,275	



Item : **Sports S106 Developer Contribution Allocations**

To:

Councillor Anna Smith, Executive Councillor for Communities
Environment & Community Scrutiny Committee 17/01/2019

Report by:

Ian Ross,

Tel: 01223 - 457000

Email: Ian.Ross@cambridge.gov.uk

Wards affected: All wards

Not a Key Decision

1. Executive Summary

- 1.1 To approve the allocations of generic S106 developer contributions for Indoor Sports and Swimming funds towards new projects within the City, aligned with the Indoor Sports and Swimming Pool investment strategies.

2. Recommendations

The Executive Councillor is recommended to approve the allocation of generic s106 developer contributions towards the following projects that have been identified within the Indoor and Swimming Pool Strategies,

- 2.1 £230,000 of swimming S106 contributions towards the Abbey Pool improvement project, subject to full business case approval:
- 2.2 Up to £45,000 of additional Indoor Sports S106 contributions towards the new Gym and Studio and Changing Room refurbishment at Netherhall Academy.

3. Background

- 3.1 The City Council has secured S106 Developer Contributions for many years in order to mitigate the impact of development on the city of Cambridge. More details about the Council's approach to S106 funding can be found at www.cambridge.gov.uk/S106. Alongside the Outdoor Sport and Indoor Sports contribution types, set out in the Council's Planning Obligations Strategy 2010, S106 funding for swimming pool provision and improvements has also been collected from the major growth sites (e.g., on the Southern Fringe and at North West Cambridge).
- 3.2 The City Council, along with South Cambridgeshire District Council, commissioned joint authority strategies for Playing Pitches and Indoor Sports facilities both of which were completed and adopted in June 2016.
- 3.3 This strategic work was led by Leisure Consultants and Recreation and Planning officers from both Councils. The work was also informed by local representatives of National Governing bodies, and Sport England officers, along with comprehensive independent site visits and assessments of all pitches and leisure facilities in both Councils districts whether council owned and run, or privately owned and run.
- 3.4 The Sport England Facilities Planning model was used to assess current demand and future needs accounting for growth and new populations with the City, fringe sites and beyond for swimming and sports hall provision.
- 3.5 The Community Services Scrutiny Committee in June 2016 approved the centralisation of all indoor and outdoor sports developer contributions and going forward were not be part of an annual S106 local funding application rounds, and are to be aligned and allocated to projects with a strategic need for investment in facilities or access to facilities as identified in the two sports strategies.
- 3.6 The Community Services Scrutiny Committee in June 2018 approved the swimming pool strategy for use of swimming developer contributions. This identified Abbey Pool as one of the facilities for which swimming pool improvement proposals would be brought forward.
- 3.7 The action plans and opportunities for invest in facilities and equipment in all three strategies have been compiled in conjunction with local clubs, groups, organisations, facility owners and operators and also approved by the main National Governing Bodies for sports.
- 3.8 The projects highlighted within this report are noted within these strategies to support access to facilities, upgrades and improvements to sporting provision and are noted as follows;

Indoor Sport Strategy – Netherhall Academy Gym	
Netherhall School – Health & Fitness Facilities	<p>“5.266 Two new facilities will be opened in Cambridge after 2016, both on education sites at; Trumpington Community College (40 Stations) and Netherhall School (24 stations).”</p> <p>“5.268 There is insufficient provision of community accessible fitness facilities to meet the current and future demand. The two new facilities opening after 2016 are counted in the current supply and reduces under supply to 18 stations and future demand to 78 fitness stations”</p>
Netherhall School Appendix 2D – Site assessment - Quality Rating	<p>Quality rating – Average (51%)</p> <p>“Significant Capital investment is required”</p>
Swimming Pool Investment Strategy – Abbey Pool Appendix	
Additional water play features on poolside	To increase family and young children’s usage of the pool.
Additional large scale poolside feature	To increase the leisure element of swimming pool and water confidence and increase family usage and activities.
Pool Hall refurbishment.	To keep the facility modern and welcoming
Poolside surrounds retile	To keep the facility well maintained and safe
Wetside changing room refurbishment	To keep ancillary areas up to date, fully accessible for all ages and abilities, modern and welcoming

- 3.8 This report seeks the permission and authority to allocate some remaining S106 developer contributions towards these identified projects in line with our strategic needs assessments, to enhance sporting opportunities around the City within our own and partner run facilities.

More detail on the projects are as follows;

4.0 Abbey Pool Hall improvements

- 4.1 The Abbey pool was converted from an outdoor pool to the indoor pool in the 1990's, and is now nearly 30 years old. It remains a popular family pool with a large shallow pool and over 2,000 participants learning to swim each week at the centre.
- 4.2 The proposal is to increase the family use of the facility and provide a range of family attractions for under 12's to be able to use at the pool with the addition of some indoor water play and water features to the pool surrounds and pool hall, whilst not detrimentally disturbing the lesson functionality the learner pool has.
- 4.3 An outline design / draft proposal of what could be achieved is shown later in the report and includes a small two-lane water slide running off the existing pool hall stairs and balcony, along with interactive poolside water features, and water play tables, delivering water play opportunities similar to those seen on the popular outdoor splashpads.
- 4.4 The plan attached is an indicative draft for the types of facilities that could be added and a full procurement exercise is yet to be conducted for their supply and installation.
- 4.5 This proposal is costed at around £165,000 for delivery and installation, and an installation timeline is indicted to be around 5-6weeks. The use of swimming pool S106 funds is requested to deliver this project to enhance this pool facility and to help modernise the pool hall and be engaging for families from the local neighbourhood and surrounding residential areas to come and use.
- 4.6 As part of the business case modeling the delivery timeline will be negotiated with GLL for a closure of the pool hall for around a 4-6 week period. This closure may entail a closed period during the summer holidays in 2019 to deliver the project.
- 4.7 Closure during this summer period does actually involve less disruption to the pools programme as the school lessons are not in session, there is far more public swimming time and additional capacity available at the other pools, (Kings Hedges and Parkside Pools) and Jesus Green Lido will also be open too. Swimming lesson attendance is much reduced during the summer holidays, so impact in the overall usage is much reduced when compared to other times throughout the year.

- 4.8 Whilst the pool hall is closed to install the new features around the learner pool, the time would be to also be utilised to retile and upgrade the whole of the pool surrounds around the main pool and learner pool, this is estimated to be at a cost of circa £65,000 and also take around 6 weeks to complete. This will enhance the pool surrounds and provide clearer routes and definitions of the pool surrounds for those with visual impairments too.
- 4.8 With swimming in the pool hall restricted for at least a month, a refresh of the wetside changing rooms would also be undertaken to refurbish the shower and toilet areas. These costs are circa £45,000, but would be considered as repairs and renewal works and not eligible for developer contributions. This would utilise existing revenue funds and provision in year for these works is currently being made.
- 4.9 Whilst the works to the pool hall and wetside changing rooms are ongoing the rest of the facilities at Abbey Pool will remain open to include the gym and outdoor pitch hires, and the outdoor splash pad will be operating from May to September.
- 5.0 New Gym & Studio with refurbished Changing Rooms – Netherhall Academy – Additional funding**
- 5.1 The Netherhall Gym & Studio is a project being undertaken by the Netherhall Academy and this project has previously been to this committee for approval of funding and has received funds of upto £193K towards the capital build of this project, namely a specific contribution from the Bell School site and other local generic indoor developer funds.
- 5.2 In June 2018 this committee also gave approval for up to £25K for Inclusive Fitness Initiative equipment to be purchased to allow use by those with disabilities and on the Exercise Referral programmes to have adaptive equipment to use as part of the programmes within the gym.
- 5.3 The Community Use Agreements for public use of the Gym have been signed and gives the public access to the new facilities from 5pm-10pm ever week day, 9:00am-5:30pm weekends and from 9:00am –10:00pm during school holidays.
- 5.4 The Community hours also specifically dedicate 6 hours per week during the day (between 9:30am – 4:00pm) for use by those on the Exercise Referral programme to access the new facilities, the exact days and time slots are yet to formalised and are currently being worked into the new operational programme.

- 5.5 The projects business case has been approved by the councils programme board, and works to complete the Gym project were expected to start during the summer holidays of 2018, but were delayed whilst the Academy sought final approvals to enter into Contracts from the Education and Skills Funding Agency (ESFA) and the summer window for construction was missed.
- 5.6 The Academy have since had approval and commenced works onsite prior to the Christmas break and continue to work to deliver the project with an expected opening now of April 2019.
- 5.7 Initial strip out works have identified that additional works are needed to meet current building and fire regulations to the new gym and studio separations, which were not known about by the Academy at the time of tender and only discovered when internal walls and ceiling materials were removed, these works have not been budgeted for.
- 5.8 The Academy has no additional funds available itself, so to meet costs to comply with these building control requirements, other areas of the project will have to be scaled back, and these include the refurbishment of the dated changing rooms that are to service the gym and studio and to future proof the layout of equipment with additional power and data points in the gym, along with cabling to allow audio visual installations.
- 5.9 Therefor the Academy has requested the availability of any additional indoor sports funds of up to £45,000 which would specifically be spent on the refurbishment of the male and female changing rooms and would complete the facility offer and be fully available for the public to use as part of the gym and studio for all to enjoy.

6. Implications

(a) Financial Implications

There are no immediate issues and the use of this funding now will enable the Council to make effective timely and effective use of available funds.

There are generic funds within the Queen Edith Ward of over £100K currently unallocated for indoor sports, which could be allocated to the Netherhall project.

(b) Staffing Implications

There are no staffing implications aligned to this report.

Recreation Officers will work with procured consultants to roll out the pool hall improvements at the Abbey Leisure Complex.

The other sum will be a grant to an outside organisation, an agreed and signed community use agreement is already in place for public use of the provided facilities.

(c) Equality and Poverty Implications

The Councils aim is to improve facilities to encourage use by everyone especially families and local residents whilst keeping them affordable to all. The Abbey Pool Hall project specifically delivers on this and will improve the range of family facilities at this local pool in a residential neighbourhood.

The Netherhall Gym project has specific equipment and level access throughout that will allow those on the Exercise Referral Programme to participate in activities at the Sports Centre.

(d) Environmental Implications

The projects within the report have no further environmental impacts.

(e) Procurement Implications

A full procurement exercise via the Council's procurement portal will be undertaken for the supply and installation of the works within Abbey Pool Hall.

Netherhall project is a grant to an outside organisation who have already completed a competitive procurement for the construction and supply and installation of the facilities and products required.

(f) Community Safety Implications

There are no safety implications at the current time as a consequence of this report

7. Consultation and communication considerations

The three strategies action plans were all compiled as a result of consultation with a large range of public and private providers and community organisations, resident associations and affiliated clubs.

The Playing Pitch and Indoor Sports action plans were also approved by relevant National Governing Bodies and Sport England and approved at Council Scrutiny committees.

8. Background papers

Background papers used in the preparation of this report are noted below and are already available on the Councils website:

- a) Indoor Sport Strategy Link – [Click Here](#)
- b) Playing Pitch Strategy Link – [Click Here](#)
- c) Swimming Pool Investment Strategy Link – [Click Here](#)

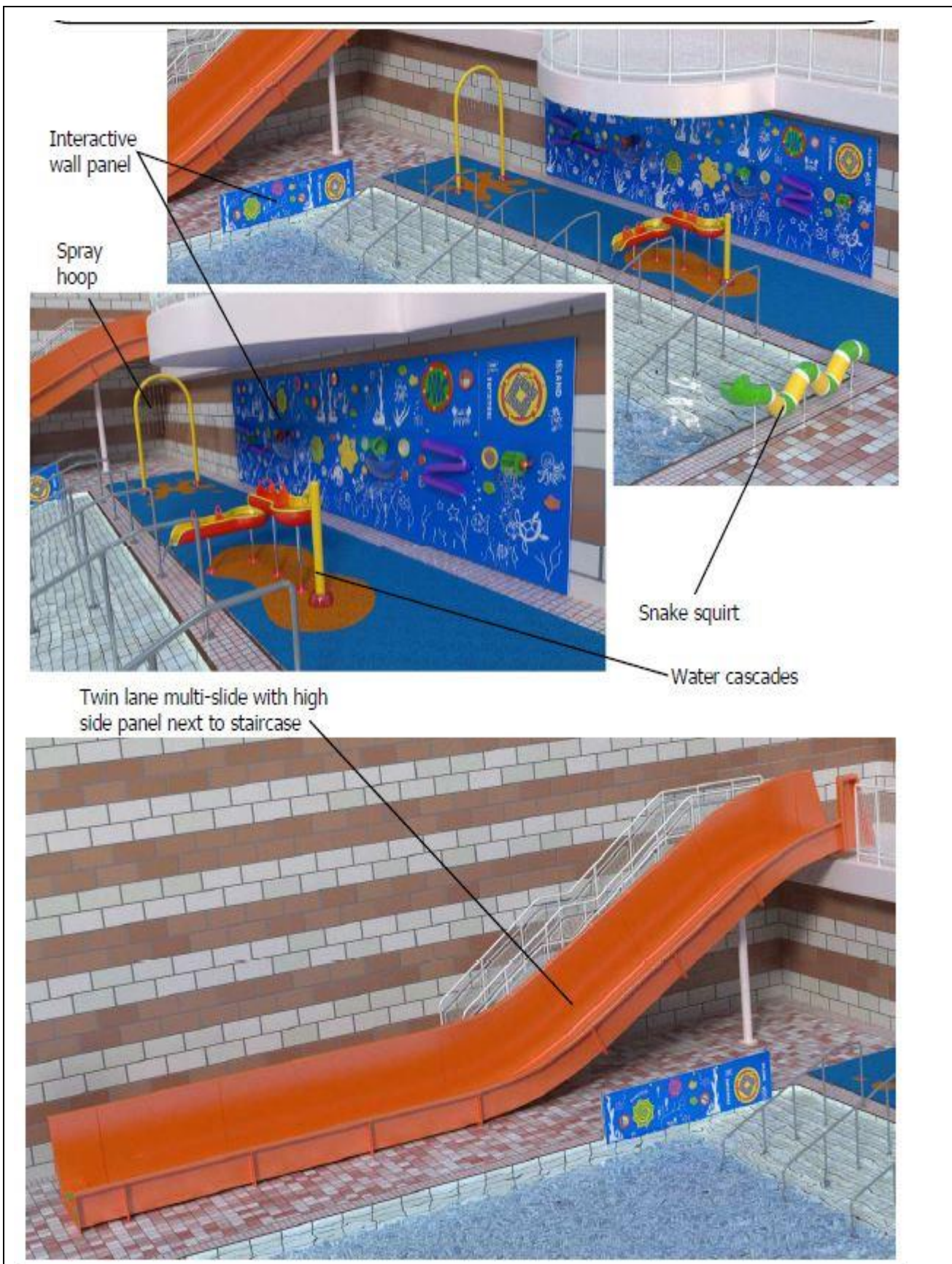
9. Appendices

None

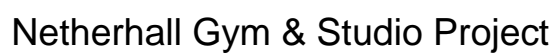
10. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

Ian Ross, Sport & Recreation Manager,
tel: 01223 - 457000,
email: ian.ross@cambridge.gov.uk .



Proposals for improvements to the Abbey Pool Hall.





Item

REVIEW OF USE OF THE REGULATION OF INVESTIGATORY POWERS ACT

To:

Councillor Anna Smith, Executive Councillor for Communities
Environment & Community Scrutiny Committee 17/01/19

Report by:

Tom Lewis, Head of Legal Practice
Tel: 01223 - 457401 Email: tom.lewis@3csharedservices.org

Wards affected:

All

Not a Key Decision

1. Executive Summary

- 1.1 A Code of Practice introduced in April 2010 recommends that Councillors should review their authority's use of the Regulation of Investigatory Powers Act 2000 (RIPA) and set its general surveillance policy at least once a year. The Leader and Executive Councillor for Strategy and Transformation and Strategy and Resources Scrutiny Committee last considered these matters on the 22 January 2018.
- 1.2 The City Council has not used surveillance or other investigatory powers regulated by RIPA since February 2010.
- 1.3 This report sets out the Council's use of RIPA and the present surveillance policy.

2. Recommendations

The Executive Councillor is recommended to:

- 2.1 To review the Council's use of RIPA set out in paragraph 3.5 of this report.
- 2.2 To note and endorse the steps described in paragraph 3.7 and in Appendix 1 to ensure that surveillance is only authorised in accordance with RIPA.
- 2.3 To approve the general surveillance policy in Appendix 1 to this report.

3. Background

- 3.1 The Regulation of Investigatory Powers Act imposes controls on the circumstances in which public bodies can use covert investigative methods in connection with their statutory functions. Local authorities may only use these methods for the purpose of preventing or detecting crime or of preventing disorder.
- 3.2 These are the activities that are regulated by RIPA:

a) Covert directed surveillance

Surveillance is "covert" if it is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place. It is "directed" if it is undertaken for the purposes of a specific investigation or operation in such a manner as is likely to result in the obtaining of private information about a person. Surveillance is not directed if it is an immediate response to events or circumstances; for instance if a police officer sees someone acting suspiciously and decides to follow them. The Council uses covert directed surveillance very sparingly – and has not used it at all in the period covered by this report.

b) Covert human intelligence source ("CHIS")

A covert human intelligence source is someone who establishes or maintains a relationship with a person for the purpose of covertly obtaining or disclosing information. In practice, this is likely to cover the use of an informer or Council officer to strike up a relationship with someone as part of an investigation to obtain information "under cover". The Council has never authorised the use of a "covert human intelligence source" under RIPA.

c) Access to Communications Data

There are stringent controls placed on access by the Council to “communications data”. The Council is not entitled to obtain access to the content of communications between third parties but can, in some circumstances, obtain information relating to the use of a communications service. “Communications services” include telecom providers, postal services and internet service providers. The Council has never authorised access to communications data under RIPA.

3.3 More detail of the nature of the scope of RIPA and controls and procedures are set out in the general surveillance policy in Appendix 1.

3.4 Member Supervision of the Use of RIPA

- a. A Home Office Code of Practice provides for a wider supervisory role for councillors. The code states that, at least once a year, councillors should review the Council’s use of RIPA and set the general surveillance policy. This report gives members this opportunity.
- b. The Council has not used RIPA powers since the Code of Practice came into effect. If RIPA powers are used, Councillors should consider internal reports on their use at least on a quarterly basis to ensure that they are being used consistently with the council's policy and that the policy remains fit for purpose. The Code emphasises that councillors should not be involved in making decisions on specific authorisations.

3.5 The Council’s Use of RIPA

- a. The City Council is very sparing in its use of RIPA powers. In fact, it has not authorised the use of RIPA powers in the period covered by this report (January 2018 to January 2019) and not used these powers since February 2010.
- b. As mentioned in Section 3.2 (b) and (c), the Council has never used RIPA powers to authorise the use of “confidential human intelligence sources” or the powers relating to the obtaining of communication data.
- c. When members previously reviewed the Council’s use of RIPA, they asked for information about surveillance etc. carried out by the Council under an authorisation given by a third party. This might arise where an investigation is being led by another agency (e.g. Police or HMRC) and the Council is asked to assist. There were two occasions in 2015 in which the Council assisted the Police in directed surveillance carried out through of the Council’s CCTV. Both related to a single investigation into suspected sexual assault.

3.6 The Protection of Freedoms Act 2012

a. From 1 November 2012, all local authority surveillance authorised under the Regulation of Investigatory Powers Act 2000 (RIPA) has been subject to approval by a Magistrate.

b. Approval can only be given if the Magistrate is satisfied that:

(i) There were reasonable grounds for the authorising officer approving the application to believe that the Directed Surveillance or deployment of a Covert Human Intelligence Source (CHIS) was necessary and proportionate and that there remain reasonable grounds for believing so.

(ii) The authorising officer was of the correct seniority within the organisation i.e. a Director, Head of Service, Service Manager or equivalent.

(iii) The granting of the authorisation was for the prescribed purpose, which is preventing or detecting crime or disorder and, in the case of directed surveillance, is confined to cases where the offence under investigation carries a custodial sentence of six months or more.

There are also additional safeguards in relation to the use of a CHIS. (As mentioned in paragraph 3.2, The Council has never authorised the use of a “covert human intelligence source” under RIPA.)

3.7 The Council’s Surveillance Policy

a. The Council’s surveillance policy is set out at Appendix 1. It sets out the tests to apply in determining whether the use of RIPA powers is necessary and proportionate.

b. The policy was updated in 2016 to reflect the Office of Surveillance Commissioners Inspection Report carried out on the 25th April 2016. The report commended the Council on their management of surveillance and made minor amendments to the policy to reflect the Protection of Freedoms Act 2012, which restricted the Local Authorities powers of surveillance. Local Authorities were previously permitted under s.28 (3)(b) to authorise surveillance where it is necessary “for the purpose of preventing or detecting crime or preventing disorder”. This was subsequently amended in 2012 under 7A (3)(a) and (b) to only permit surveillance for criminal offences which are set to be prevented or detected, whether on summary conviction or on indictment by a max term of at least six months and

would constitute an offence under s.146,147,147A of the Licensing Act 2003 or s.7 of the Children's & Young Persons Act 1993. The latter are all offences involving the sale of tobacco and alcohol to underage children.

- c. The previous Head of Legal Services revised the policy in 2016 following the report.
- d. No further changes to the policy are recommended at present.

4. Implications

(a) Financial Implications

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None.

(b) Staffing Implications

None.

(c) Equality and Poverty Implications

A formal equality impact assessment has not been carried out in preparing this report. Equality impact issues are addressed, and safeguards contained, within the body of the general surveillance policy which the Executive Councillor is being asked to endorse. Paragraph 10.5 of the policy highlights the need to consider equality issues as part of considering whether to use RIPA powers. Paragraph 10.7 highlights the special care needed if surveillance might involve obtaining access to religious material. The Head of Legal Services receives copies of all authorisations and takes an overview of the use of RIPA. The member supervision outlined in section 3.4 of this report would also help ensure that the policy is being applied properly.

(d) Environmental Implications

The proposals in this report have a "nil" climate change impact.

(e) Procurement Implications

None.

(f) Community Safety Implications

Although the Council's use of RIPA has been very sparing, there have been, and will be, occasions on which the use of the powers are justified and necessary to ensure community safety.

5. Consultation and communication considerations

The RIPA general surveillance policy is based on legal requirements and the guidance contained in Home Office codes of practice and there has been no external consultation on this.

6. Background papers

Background papers used in the preparation of this report:

(a) These background papers were used in the preparation of this report:

Report to the Leader and Strategy and Resources Scrutiny Committee:

Review of Use of The Regulation Of Investigatory Powers Act (19 January 2015) This is a published source available at

<http://democracy.cambridge.gov.uk/ieListDocuments.aspx?CId=159&MId=2551&Ver=4>

House of Commons Library briefing paper dated 19 November 2015: Draft Investigatory Powers Bill. This is a published source available at

<http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7371#fullreport>

7. Appendices

City Council RIPA Procedure Guide.

8. Inspection of papers

To inspect the background papers or if you have a query on the report please contact Tom Lewis, Head of Legal Practice, tel: 01223 - 457041, email:

tom.lewis@3csharedservices.org.

The Regulation of Investigatory Powers Act 2000: A procedure guide on the use of covert surveillance and “covert human intelligence sources”

Statement of Intent: Cambridge City Council attaches a high value to the privacy of citizens. It will adhere to the letter and to the spirit of the Act and will comply with this Code.

1. Introduction

- 1.1 The Regulation of Investigatory Powers Act 2000 (“RIPA”) is designed to ensure that public bodies respect the privacy of members of the public when carrying out investigations, and that privacy is only interfered with where the law permits and there is a clear public interest justification.

2. What does RIPA do?

- 2.1 RIPA places controls on the use of certain methods of investigation. In particular, it regulates the use of surveillance and “covert human intelligence sources”. This guide covers these aspects of the Act. Further guidance will be issued on other aspects of the Act if necessary.
- 2.1 RIPA’s main implications for the Council are in respect of covert surveillance by Council officers and the use of “covert human intelligence sources”. (A covert human intelligence source is someone who uses a relationship with a third party in a secretive manner to obtain or give information – for instance an informer or someone working “under cover”.)

3. Some definitions

- 3.1 “Article 8 Rights”

This refers to the rights of individuals under the European Convention on Human Rights:

“Everyone has the right to respect for his private and family life, his home and his correspondence.

“There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

The Council must not infringe these rights unless they are acting in accordance with the law for one of the purposes mentioned in the second paragraph. Even then, any infringement of this right needs to be proportionate. (See paragraph 9.4.)

3.2 “Covert”

Concealed, done secretly

3.3 “Covert surveillance”

Surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place;

3.4 “Directed surveillance”

Directed surveillance is defined in RIPA as surveillance which is covert, but not intrusive, and undertaken:

- a) for the purposes of a specific investigation or operation;
- b) in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); and
- c) otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under this Part to be sought for the carrying out of the surveillance (i.e. where the circumstances make it impractical to seek authorisation. An example might be where a police officer on patrol sees a person acting suspiciously and decides to watch them surreptitiously to see whether they are intending to commit a crime.)

Private information in relation to a person includes any information relating to his private or family life.

3.5 “Intrusive surveillance”

Intrusive surveillance is defined in section 26(3) of the 2000 Act as covert surveillance that:

- a. is carried out in relation to anything taking place on any residential premises or in any private vehicle; and
- b. involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.

4. RIPA and Surveillance – what is not covered

- 4.1 General observation forms part of the duties of some Council officers. They may, for instance, be on duty at events in the City and will monitor the crowd to maintain public safety and prevent disorder. Environmental Health Officers might covertly observe and then visit a shop as part of their enforcement function. Such observation may involve the use of equipment merely to reinforce normal sensory perception, such as binoculars, or the use of cameras, where this does not involve systematic surveillance of an individual. It forms a part of the everyday functions of law enforcement or other public bodies. This low-level activity will not usually be regulated under the provisions of RIPA.
- 4.2 Neither do the provisions of the Act cover the use of overt CCTV surveillance systems. Members of the public are aware that such systems are in use, for their own protection, and to prevent crime. (There is a separate Code of Practice adopted by the Council to govern use of CCTV. For information about this, contact Martin Beaumont, CCTV Manager.)

5. RIPA and Surveillance – What is covered?

- 5.1 The Act is designed to regulate the use of “covert” surveillance. Covert surveillance means surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place. Strictly speaking, only two types of covert surveillance are regulated by RIPA – “directed” and “intrusive” surveillance. However, where the purpose of a surveillance operation is to obtain private information about a person, the authorisation procedures set out in this guide should be followed and the surveillance treated as being “directed”.

6. What is “directed surveillance”?

6.1 Directed surveillance is defined in RIPA as surveillance which is covert, but not intrusive, and undertaken:

- a) for the purposes of a specific investigation or operation;

- b) in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); and
- c) otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under this Part to be sought for the carrying out of the surveillance. (See the clarification of this in paragraph 3.3.)

Private information in relation to a person includes any information relating to his private or family life.

- 6.2 Directed surveillance is conducted where it involves the observation of a person or persons with the intention of gathering private information to produce a detailed picture of a person's life, activities and associations. However, it does not include covert surveillance carried out by way of an immediate response to events or circumstances which, by their very nature, could not have been foreseen. For example, a plain clothes police officer would not require an authorisation to conceal himself and observe a suspicious person who he comes across in the course of a patrol.
- 6.3 Directed surveillance does not include any type of covert surveillance in residential premises or in private vehicles. Such activity is defined as "intrusive surveillance" and is dealt with in paragraph 7.
- 6.4 In practice, the sort of directed surveillance which the Council might undertake would include the use of concealed cameras as part of an investigation into antisocial behaviour or breach of tenancy conditions. It might include covert surveillance connected with the enforcement of environmental health or planning regulations or in connection with investigating benefit fraud. You should treat anything involving the use of concealed cameras or anything involving keeping covert observation on premises or people as potentially amounting to directed surveillance. If you are unsure, please take advice either from your manager or supervisor, or from the Head of Legal Practice.
- 6.5 Directed surveillance **must** be properly authorised in accordance with the procedure set out in section 9.
- 6.6 You should treat any covert surveillance which is likely to intrude upon anyone's privacy to more than a marginal extent as directed surveillance, even if it does not fall within the strict terms of the definition – for instance where surveillance is not part of a specific investigation or operation.

7. Directed Surveillance and Social Media

- 7.1 The use of the internet may be required to gather information prior to and/or during an operation, which may amount to directed surveillance. Whenever you intend to use the internet as part of an investigation, you must first consider whether the proposed activity is likely to interfere with a person's Article 8 rights, including the

effect of any collateral intrusion. (See Section 3 for an explanation of Article 8 rights.)

- 7.2 Any activity likely to interfere with an individual's Article 8 rights should only be used when necessary and proportionate to meet the objectives of a specific case. If your proposed use of social media in connection with an investigation amounts to covert directed surveillance within the scope of RIPA by electronic means, an authorisation in accordance with the procedure set out in section 9. Where an investigator may need to communicate covertly online, for example contacting individuals using social media websites, a CHIS authorisation is likely to be needed and the Head of Legal Service should be consulted.
- 7.3 Where individuals publish information freely (e.g. twitter accounts, LinkedIn profiles), there is unlikely to be any interference with Article 8 rights. This is also likely to be the case with other information published openly on the Internet. Care should be taken with other social media, such as Facebook. Even if the user has not used privacy settings to restrict access, this does not necessarily mean that they have made a decision to publish personal information to the world. It is likely to be proportionate, in connection with an investigation (e.g. benefit fraud) to make a single visit to an unsecured Facebook profile. Further visits could amount to surveillance. If you are considering monitoring social media such as Facebook in connection with an investigation. you should first seek advice on whether RIPA authorisation is needed.

8. What is intrusive surveillance?

An important warning: the Council cannot authorise intrusive surveillance.

- 8.1 Intrusive surveillance is defined as covert surveillance that:
- a. is carried out in relation to anything taking place on any residential premises or in any private vehicle; and
 - b. involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.
- 8.2 In essence, intrusive surveillance amounts to intrusion into people's homes or vehicles either physically or by means of a surveillance device.
- 8.3 **Intrusive surveillance cannot be undertaken without authorisation and the Council cannot authorise intrusive surveillance.** Bodies such as the Police and Customs and Excise can authorise intrusive surveillance. If you are asked by another agency to co-operate with intrusive surveillance, you should seek advice from the Head of Legal Practice immediately. Where other authorities say that they are authorised to undertake intrusive surveillance but need our co-operation, we need to check that their authorisation is in order.

9. What is a covert human intelligence source?

- 9.1 A covert human intelligence source is someone who establishes or maintains a relationship with a person for the purpose of covertly obtaining or disclosing information. In practice, this is likely to cover the use of an informer or Council officer to strike up a relationship with someone as part of an investigation to obtain information “under cover”.
- 9.2 Someone who volunteers information to the Council, either as a complainant (for instance, about anti-social behaviour or a breach of planning regulations) or out of civic duty, is unlikely to be a covert human intelligence source. If someone is keeping a record, say, of neighbour nuisance, this will not amount by itself to use of a covert human intelligence source. However, if we are relying on, say, a neighbour to ask questions with a view to gathering evidence, then this may amount to use of a covert human intelligence source.
- 9.3 The use by the Council of covert human intelligence sources is expected to be extremely rare and, for that reason, this guide does not deal with the issues to which they give rise. If you are contemplating use of a covert human intelligence source, please take advice from the Head of Legal Practice before putting your plan into action.

10. Authorising Directed Surveillance: The Rules

- 10.1 It is crucial that all directed surveillance is properly authorised. Failure to secure proper authorisation and to comply with this procedure could lead to evidence being excluded by the courts and to complaints against the Council. The Council is subject to audit and inspection by the Office of the Surveillance Commissioner and it is important that we can demonstrate compliance with RIPA and with this code. **Again, please note that the Council cannot authorise intrusive surveillance – see section 8.**
- 10.2 **Who can authorise directed surveillance?** Regulations made under the Act say that the most junior level at which authorisations can only be given is by what it refers to as “assistant chief officers”. For the purposes of this Code, authorisations may only be given by the officers identified in the Appendix to this Guide referred to as “authorising officers”. In cases of urgency, if it is not possible to seek authority from an authorising officer, authority may be given by a deputy to an authorising officer, but ratification of that authority should be sought at higher level as soon as practical, and the reasons for urgency recorded on the authorisation form. Where practical, the authorising officer should not be directly involved in the case giving rise to the request for authorisation. (However, an authorising officer may authorise a request made by staff who report to them if they are not directly involved in the case.) Where it is not practical for authorisation to be given by an officer who is not directly involved, this should be noted with reasons on the authorisation form. In addition to internal authorisation, directed surveillance cannot be carried out without the approval of a Magistrate. (See paragraph 10.2 below.)

10.3 **On what grounds can directed surveillance be authorised?** Directed surveillance can only be authorised by local authorities:

- for the purpose of preventing or detecting serious crime where the offence under investigation carries a custodial sentence of six months or more; or
- for the purpose of preventing or detecting conduct which is an offence under—
 - (i) section 146 of the Licensing Act 2003 (sale of alcohol to children);
 - (ii) section 147 of the Licensing Act 2003 (allowing the sale of alcohol to children);
 - (iii) section 147A of the Licensing Act 2003 (persistently selling alcohol to children);
 - (iv) section 7 of the Children and Young Persons Act 1933 (sale of tobacco, etc, to persons under eighteen).”.

When the legislation was introduced, the Council could authorise directed surveillance on other grounds (e.g. in the interests of public safety or in the interests of protecting public health, or to prevent or detect disorder) but the serious crime ground is the only one available to local authorities. The Police have wider powers to authorise directed surveillance.

Please note that surveillance has to be **necessary** for the serious crime purpose. If you can just as well carry out an investigation by means which do not involve directed surveillance, then you should use them.

10.4 **Is the proposed surveillance proportionate?** Authorisation should not be sought, and authority should not be given unless you are satisfied that the surveillance is proportionate. You should make sure that any interference with privacy is justified by the end being sought. Unless the benefit to be obtained from surveillance is significant, and unless the problem you are seeking to tackle is serious, the use of surveillance is unlikely to be proportionate. We should not “use a sledgehammer to crack a nut”!

10.5 **Is the proposed surveillance discriminatory?** The Council is under a legal obligation to avoid either direct or indirect discrimination in carrying out its functions. As surveillance can interfere with rights contained in the European Convention on Human Rights, discrimination can also amount to a breach of the Human Rights Act. You should be sensitive to this issue and ensure that you apply similar standards to seeking or authorising surveillance regardless of ethnic origin, sex or sexual orientation, disability, age etc. You should be alert to any assumptions about people from different backgrounds which may not even be consciously held.

10.6 **Might the surveillance involve “collateral intrusion”?** In other words, might the surveillance intrude upon the privacy of people other than those who are the subject of the investigation. You should be sensitive of the privacy rights of third parties and consider very carefully whether the intrusion into their privacy is justified by the benefits of undertaking the surveillance.

- 10.7 **Might the surveillance involve acquiring access to any confidential or religious material?** If so, then the surveillance will require a particularly strong justification and arrangements need to be put in place to ensure that the information obtained is kept secure and only used for proper purposes. Confidential material might include legal or financial records, or medical records. Where there is a possibility that access to confidential or religious material might be obtained, the authorisation of the Chief Executive (or, in her absence in cases where it is not practical to wait for her return, the authorisation of a Director acting as her deputy) should be sought.

11. Authorising Directed Surveillance: The Procedure

11.1 Applying for authorisation.

- 11.1.1 Detailed guidance on the authorisation procedure and on how to complete the statutory forms is available on the Council's Intranet at <http://intranet/Guidelines/Docs/RIPA%20Guidance%20Manual.pdf> The individual forms are available separately and links to them are set out in Appendix 3. You must only use the forms that are on the Intranet, you should read the accompanying notes carefully and follow them when completing the form.
- 11.1.2 Before submitting an application for authorisation, you must supply a copy of your request to the Head of Legal Practice. You may only submit your application for authorisation if you obtain the approval of the Head of Legal Practice.
- 11.1.3 A written application for authorisation for directed surveillance should describe in detail any conduct to be authorised and the purpose of the investigation or operation. The application should also include:
- ☐ ☐ the reasons why the authorisation is necessary in the particular case and on the grounds (e.g. for the purpose of preventing or detecting crime) listed in Section 28(3) of the 2000 Act;
 - ☐ ☐ the reasons why the surveillance is considered proportionate to what it seeks to achieve;
 - ☐ ☐ the nature of the surveillance;
 - ☐ the identities, where known, of those to be the subject of the surveillance;
 - ☐ ☐ an explanation of the information which it is desired to obtain as a result of the surveillance;
 - ☐ ☐ the details of any potential collateral intrusion and why the intrusion is justified;
 - ☐ ☐ the details of any confidential information that is likely to be obtained as a consequence of the surveillance.

- ☐ ☐ the level of authority required (or recommended where that is different) for the surveillance; and
- ☐ ☐ a subsequent record of whether authority was given or refused, by whom and the time and date.

11.2 Approval by a Magistrate

11.2.1 The internal authorisation for covert surveillance is not to take effect until a Magistrate has made an order approving it. Approval can only be given if the Magistrate is satisfied that:

(a) There were reasonable grounds for the authorising officer to believe that the directed surveillance was necessary and proportionate and that there remain reasonable grounds for believing so.

(b) The authorising officer was of the correct seniority within the organisation i.e. a Director, Head of Service, Service Manager or equivalent.

(c) The granting of the authorisation was for preventing or detecting crime and that the offence under investigation carries a custodial sentence of six months or more

11.2.2 You must not commence covert surveillance until you have confirmation that the Magistrate's approval has been given.

11.3 Duration of authorisations

11.3.1 A written authorisation granted by an authorising officer will cease to have effect (unless renewed) at the end of a period of **three months** beginning with the day on which it took effect.

11.3.2 Even though authorisations cease to have effect after three months, you should not simply leave them to run out. When the surveillance ceases to be necessary, you should always follow the cancellation procedure. See section 10.6. Where surveillance has ceased, we must be able to match each authorisation with a cancellation.

11.4 Reviews

11.4.1 Regular reviews of authorisations should be undertaken to assess the need for the surveillance to continue. The maximum period between authorisation and review, and between reviews, should be four weeks. The more significant the infringement of privacy, the more frequent should be the reviews. The results of a review should be recorded on the central record of authorisations (see paragraph 11). Particular attention is drawn to the need to review authorisations frequently where the surveillance provides access to confidential information or involves collateral intrusion.

11.4.2 In each case authorising officers within the Council should determine how often a review should take place. This should be as frequently as is considered necessary and practicable.

11.4.3 A link to the form to record a review of an authorisation may be found in Appendix 2 to this Guide.

11.5 Renewals

11.5.1 If at any time before an authorisation would cease to have effect, the authorising officer considers it necessary for the authorisation to continue for the purpose for which it was given, s/he may renew it in writing for a further period of **three months**. A renewal cannot take effect unless it has been approved by a Magistrate. If you think a renewal might be needed, you should plan to allow sufficient time for an application to a Magistrate to be made before expiry.

11.5.2 A renewal takes effect at the time at which, or day on which the authorisation would have ceased to have effect but for the renewal. An application for renewal should not be made until shortly before the authorisation period is drawing to an end. Any person who would be entitled to grant a new authorisation can renew an authorisation. Authorisations may be renewed more than once, provided they continue to meet the criteria for authorisation.

11.5.3 All applications for the renewal of an authorisation for directed surveillance should be made on the form linked to Appendix 2 to this guide and should record:

- ☐ ☐ whether this is the first renewal or every occasion on which the authorisation has been renewed previously;
- ☐ ☐ any significant changes to the information given in the original application for authorisation;
- ☐ ☐ the reasons why it is necessary to continue with the directed surveillance;
- ☐ ☐ the content and value to the investigation or operation of the information so far obtained by the surveillance;
- ☐ ☐ the results of regular reviews of the investigation or operation.

11.5.4 Authorisations may be renewed more than once, if necessary, and the renewal should be kept/recorded as part of the central record of authorisations (see paragraph 12).

11.6 Cancellations

11.6.1 The authorising officer who granted or last renewed the authorisation must cancel it if he is satisfied that the directed surveillance no longer meets the criteria upon which it was authorised. Where the authorising officer is no longer available, this duty will fall on the person who has taken over the role of authorising officer. If in doubt about who may cancel an authorisation, please consult the Head of Legal

Practice. Cancellations are to be effected by completion of the form linked to in Appendix 2 to this Guide.

11.6.2 N.B. Please note the warning in paragraph 10.3.3 that there must be a completed cancellation for each authorisation once surveillance has been completed. An authorisation cannot simply be allowed to expire.

11.7 Ceasing of surveillance activity

11.7.1 As soon as the decision is taken that directed surveillance should be discontinued, the instruction must be given to those involved to stop all surveillance of the subject(s). The date and time when such an instruction was given should be included in the Notification of Cancellation form.

12. Record Keeping and Central Record of Authorisations

12.1 In all cases in which authorisation of directed surveillance is given, the Service Head is responsible for ensuring that the following documentation is kept safely for a period of at least three years from the date of authorisation:

- ☐ ☐ a copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the approval given by the authorising officer;
- ☐ ☐ a record of the period over which the surveillance has taken place;
- ☐ ☐ the frequency of reviews prescribed by the authorising officer;
- ☐ ☐ a record of the result of each review of the authorisation;
- ☐ ☐ a copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested;
- ☐ the date and time when any instruction was given by the authorising officer.

12.2 In addition, copies the following must be sent to the Head of Legal Practice immediately upon completion:

- ☐ ☐ all completed forms authorising directed surveillance;
- ☐ ☐ all completed forms authorising renewal of directed surveillance;
- ☐ ☐ all completed forms cancelling directed surveillance.

These will be kept by the Head of Legal Practice who will review them at least every twelve months in his capacity as the Council's Monitoring Officer.

13. Authorising Use of Covert Human Intelligence Sources

- 13.1 Similar principles and procedures apply to authorising the use of covert human intelligence sources, including the need for authorisations to be approved by a Magistrate. If it becomes apparent that their use is more than very exceptional, detailed guidance will be published and circulated. For the present, officers' attention is drawn to the explanation of the nature of a covert human intelligence source in Paragraph 9. If you think you might be using, or might use, a covert human intelligence source, please contact the Head of Legal Practice, who will advise on the principles to be applied, the authorisation procedure, record keeping etc. For the avoidance of doubt, the Council will comply, so far as applicable, with the model guidance issued by the Home Office.

14. Authorisations by Third Parties

- 14.1 You may be approached by another agency, e.g. the Police or HMRC, to co-operate in undertaking activities regulated by RIPA. In cases where the City Council is acting on behalf of another agency, the tasking agency should normally obtain and provide evidence of the RIPA authorisation. Although the Council can act on an authorisation obtained by another agency, it is still important for the Council to reach a view on whether it is appropriate to co-operate. Please, where practical, seek the advice of the Head of Legal Practice before acting on a third-party authorisation.
- 14.2 Home Office guidance says that, where possible, public authorities should seek to avoid duplication of authorisations as part of a single investigation or operation. For example, where two agencies are conducting directed surveillance as part of a joint operation, only one authorisation is required. Duplication of authorisations does not affect the lawfulness of the activities to be conducted, but may create an unnecessary administrative burden on authorities. But we should not use Police authorisation as a means to avoid the safeguards put in place for local authority use of RIPA or as a means of carrying out surveillance for purposes not authorised for local authorities; e.g. intrusive surveillance or surveillance for non-permitted purposes. If it is primarily a Council operation, then the Council should be responsible for authorisation.
- 14.3 You must notify the Head of Legal Practice of all occasions on which you act under a RIPA authorisation obtained by a third party.

15. Access to Communications Data

- 15.1 There are stringent controls placed on access by the Council to "communications data". The Council is not entitled to obtain access to the content of communications between third parties but can, in some circumstances, obtain information relating to the use of a communications service. "Communications services" include telecom providers, postal services and internet service providers.
- 15.2 This is a complex area, procedurally and legally. Access to communications data can only be obtained through the Council's designated "single point of contact" ("SPOC") for communications data. The Head of Legal Practice has this role and you should consult him at an early stage if you think you may need access to communications data.

16. Covert surveillance outside of RIPA

- 16.1 Not all types of covert surveillance falls within the scope of RIPA which, for local authorities, is limited to criminal investigations and the underage sale of alcohol or tobacco. On occasion, it may be appropriate to carry out covert surveillance in connection with, for instance, an audit or disciplinary investigation. Formal RIPA authorisation will not be needed in these circumstances but the principles embodied in RIPA still apply. In these circumstances, you should complete the non-RIPA application form and submit it to an authorising officer for approval. Detailed guidance on non-RIPA surveillance is available on the Intranet at <http://live.drupal.intranet.ccc.local/content/regulation-investigatory-powers-act-2000> .

17. Further Information

- 17.1 Departments may wish to develop their own guidance and Environmental Health and Waste Management has already done so. This is to be encouraged. However, the principles and procedures contained in departmental guidance must be compatible with this guidance.
- 17.2 There is helpful information on the Home Office web site about RIPA. See below for links.
- 17.3 The Head of Legal Practice will be happy to advise further on issues connected with RIPA. Departments need to consider what their training needs are in this area and the Head of Legal Practice is willing to discuss what help he can offer with this.

Approved Authorising Officers for the Purposes of the Regulation of Investigatory Powers Act 2000

- Fiona Bryant Strategic Director
- Suzanne McBride Strategic Director

The Leader of the Council delegated power to the Chief Executive to designate authorised officers for the purposes of Chapters II and III of the Act. (Record of Decision ref: 07/S&R/14, 3 September 2007.

Links

Links to Home Office Information on RIPA, including codes of practice are at <http://www.homeoffice.gov.uk/counter-terrorism/regulation-investigatory-powers/> Forms are also available via this site but you should only use the forms on the Council's Intranet, which may be found through the links in Appendix Three.

Intranet Guidance

RIPA Covert Surveillance Forms and Guidance

Regulation of Investigatory Powers Act 2000

Guidance on the use of covert surveillance and "covert human intelligence sources"

- [The Regulation of Investigatory Powers Act 2000 - Procedure Guide 2013 \[DOC, 87kB\]](#)

The guidance manual and the information set out in all the forms below have been purchased from an external source and copyright belongs to Ibrahim Hasan (2010) of Act Now Training - www.actnow.org.uk - Surveillance Law Training and Resources. Under no circumstances should copies of the manual or guidance be provided to any other person or organisation outside Cambridge City Council.

RIPA Guidance Manual

- [1. Introduction \[PDF, 0.5MB\]](#)
- [2. Guidance for Authorising Officers \[PDF, 153kB\]](#)
- [3. Completing the RIPA Forms \[PDF, 0.8MB\]](#)
- [4. Seeking Magistrates' Approval \[PDF, 121kB\]](#)
- [5. Non RIPA Surveillance \[PDF, 0.6MB\]](#)

Directed Surveillance (DS) Forms

- [15 DS Review Form.doc \[DOC, 61kB\]](#)
- [14 DS Application Form.doc \[DOC, 115kB\]](#)
- [17 DS Cancellation Form.doc \[DOC, 47kB\]](#)
- [16 DS Renewal Form.doc \[DOC, 59kB\]](#)

Covert Human Intelligence Source (CHIS) Forms

- [Completing the CHIS Forms.doc \[DOC, 24kB\]](#)
- [CHIS Review \[DOC, 62kB\]](#)
- [CHIS Application \[DOC, 122kB\]](#)
- [CHIS Cancellation \[DOC, 45kB\]](#)
- [CHIS Renewal \[DOC, 61kB\]](#)

[CHIS Non-RIPA Form \[DOC, 89kB\]](#)