

ENVIRONMENT AND COMMUNITY SCRUTINY COMMITTEE 21 March 2019
5.00 - 7.35 pm

Present: Councillors Smart (Chair), Bird (Vice-Chair), Barnett, Gillespie, Martinelli, McGerty, O'Connell, Sargeant, 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:

Strategic Director: Fiona Bryant

Head of Waste Resources: Trevor Nicoll

Community Funding and Development Manager: Jackie Hanson

Enforcement Team Manager: Nick Kester

Safer Communities Manager: Lynda Kilkelly

Sport & Recreation Manager: Ian Ross

Public Realm & Project Delivery Team Leader: John Richards

Urban Growth Project Manager: Tim Wetherfield

Committee Manager: James Goddard

Others Present:

Head of Community Services: Debbie Kaye

FOR THE INFORMATION OF THE COUNCIL

19/13/EnC Apologies for Absence

Apologies were received from Councillor Massey. Councillor Sargeant was present as the alternate.

Councillor McGerty joined the committee from item 19/18/EnC.

Councillor Bird left the committee after the decision on 19/22/EnC to attend another commitment.

19/14/EnC Declarations of Interest

No declarations of interest were made.

19/15/EnC Minutes

The minutes of the meeting held on 17 January 2019 were approved as a correct record and signed by the Chair.

19/16/EnC Public Questions

There were no public questions.

19/17/EnC Use of Fixed Penalty Notices for Household Waste Duty of Care

Matter for Decision

The purposes of the report was to:

- i. Inform the Executive Councillor and Scrutiny Committee Members of the new fixed penalty notice (FPN) powers relating to the household waste duty of care that had come into force under The Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018 (the Regulations), which amend section 33 of the Environmental Protection Act 1990.
- ii. Seek authorisation for the council's Streets and Open Spaces enforcement officers to issue FPNs, under section 34ZA of the Environmental Protection Act 1990 (EPA), to persons whom the officer has reason to believe have committed a breach of household waste duty of care.
- iii. Seek authority to use the legal maximum FPN level of £400 for all breaches of household waste duty of care and to give a discount of £240 (i.e. discounted fine payment level of £160) for early payment provided payment is made within 10 days of the date the FPN was issued.

Decision of Executive Councillor for Streets and Open Spaces

Agreed to:

- i. Adopt the legal maximum FPN level of £400 for all of breaches of household waste duty of care offences and to give discount for early payment of £240 (i.e. discounted fine payment level of £160) provided payment is made within 10 days of the date the FPN was issued.
- ii. Delegate authority to the Head of Environmental Services to introduce the new fixed penalties for household waste duty of care offences.

- iii. Authorise council's Streets and Open Spaces enforcement officers to issue these FPNs in accordance with section 34ZA of the Environmental Protection Act 1990.

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 Enforcement Team Manager.

The Enforcement Team Manager said the following in response to Members' questions:

- i. The level of fines for FPNs were in-line with fly tipping.
- ii. There were sufficient resources in place to investigate environmental crimes. FPNs were offered as an alternative to taking further action. There was no net increase in the number of cases investigated.
- iii. Examples of where the household waste duty of care had been breached were set out in paragraph 3.3 of the Officer's report. This was not an exhaustive list. The list would be reviewed and put into the public domain in the near future. The intention was to alert householders what they should do so they did not fall foul of criteria.

The Committee resolved by 9 votes to 0 (unanimously by those present) 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.

19/18/EnC Environmental Improvement Programme**Matter for Decision**

The Officer's report reviewed the Council's Environmental Improvement Programme (EIP), including delivery performance, up to 2018/19; and recommends a way forward for the extended period, 2019-21.

Decision of Executive Councillor for Streets and Open Spaces

Agreed to:

- i. Approve a new two year EIP, 2019-21 at current funding levels of £170,000 per annum, to be allocated as follows:
 - £70,000 per annum for strategic, city-wide programme developed by officers and approved by the Executive Councillor, informed by suggestions from residents and area committees; and
 - £100,000 per annum to be apportioned based on population, for Areas to allocate to Ward Councillor/ voluntary and community sector promoted projects in accordance with proposed eligibility criteria.
- ii. Carry forward £170,000 of the current programme balance into 2019/20 and allocate £70,000 for strategic, city-wide programme and £100,000 (proportionate to population) for Areas to allocate to Ward Councillor/ voluntary and community sector promoted projects.

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 Public Realm & Project Delivery Team Leader.

In response to the report Councillors commented that verge protection was an important issue. This could occur through Traffic Regulation Orders, bollards etc.

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

- i. Requested a copy of the report on verge parking issues, which had been written but not circulated in 2018.
- ii. The water fountain on Parker's Piece was implemented as a trial to see if the supply of free water could be rolled out on a larger scale. It had not been working for some time which had a negative impact on the trial. Cambridge Water said they had offered to contribute funding to help this and other projects, but stated they got no response from council officers. This was an example of one of the delivery issues affecting Environmental Improvement Programme (EIP) projects.

- iii. Took issue with transparency/scrutiny of the EIP process set out in the Officer's report. Requested that funding be allocated through area committees.
- iv. Requested that real time information about EIP projects be made available on the council website for greater transparency as part of its digital strategy, because it was hard to get details from officers outside of the scrutiny committee.
- v. Took issue with speed of delivery of EIP projects. Referred to backlog of projects in Appendix B of the Officer's report. If EIP projects could be funded by other sources, they could go ahead and be delivered faster.
- vi. Took issue with top slicing £70,000 out of the EIP budget and allocating to a central pot (instead of area committees). The amount of money available for allocation by area committees was reduced. Suggested it was totally contrary to say funding was allocated to area committees then retaining some for central allocation. This was not new money and should have been allocated last year. If officers directly liaised with residents to seek ideas for central pot projects, this would side line ward councillors and lead to creeping centralisation.

The Public Realm & Project Delivery Team Leader said the following in response to Members' questions:

- i. Legislation was in place to protect grass verges. The Highways Authority was working with the City Council to implement Traffic Regulation Orders. Some enforcement action was contracted out.
- ii. The City Council had not sought a blanket ban on verge parking like in London as they had specific legislation. Having a funding pot allowed officers to look at different options in future to protect verges such as bollards.
- iii. Tree pits were being reviewed at a strategic level to seek economies of scale as they were expensive to implement. It was impossible to predict what was underground and could impact on a tree pit before digging started. It cost £2,000-3,000 to implement a tree pit, which was 10-20 times the cost of a tree. Where tree pits were implemented at less than expected cost (eg the recent Bateman Street ones) savings could also be generated.
- iv. Some webpages were available on the city council website setting out EIP details. Officers were looking at ways to improve these in future.
- v. Undertook to pass on comments about the water fountain to Senior Asset Development Officer.
- vi. The speed of delivery for EIP projects could not be improved by increasing (officer) resources. Some EIP projects were dependent on factors outside of the council's control. Projects were delivered as soon

as possible. Officers were exploring if projects on the books were still deliverable or should be signposted to other schemes.

- vii. There was an underspend in EIP funding due to delivery issues such as a lack of projects coming forward to use it in the south of the city.
- viii. EIP funding was not split equally across the city, it was awarded according to population size. Data had been updated recently but was not available at the time of writing the committee report.
- ix. Verge parking mitigation measures were considered by County and City Officers. It was desirable to bring these forward expediently. A report would be presented to South Area Committee 8 April 2019.
- x. The proposed centralised funding pot would be scrutinised. This would be a more strategic element separate to area committee allocations. It would be scrutinised in line with Local Highway Project criteria.
- xi. £70,000 was proposed to be made available through EIP rather than the Central Fund as per the budget already agreed by Strategy & Resources Committee.
- xii. Area Committee projects were community led and resource intensive to implement.
- xiii. Projects from the central pot would be led by officers based on ideas from residents, and signed off by the Committee Chair and Executive Councillor. These projects should be faster to deliver.

The Strategic Director said:

- xiv. Resources needed to be focussed on where they could be used most efficiently, as they declined. When several areas requested similar projects, it was better to deliver them in a joined up approach through the central pot rather than piecemeal.
- xv. Outcomes and beneficiaries would be clear. Projects would be assessed through a robust process.
- xvi. Some ideas for central pot projects would come through area committees. Queried if there was a way to involve ward councillors in the process that could be included in a proposal that could be brought back to committee for consideration in future.

Opposition Councillors said they would feel more reassured if it could be confirmed that central pot projects would be based on input from area committees. The central pot could then lead to spending efficiencies. On-line details would assist transparency.

- xvii. The report presented to committee aimed to establish principles of how to spend EIP funding. Further details could be worked up in future

- The Executive Councillor said:
- xviii. She was made aware there had been set aside/carry over of underspent funding for some years. The amount of Environmental Improvement Project funding could have been cut back, but instead it had been decided to keep funding as it was and move the underspend into a central pot.
- xix. Wards would be kept up to date and involved on strategic projects eg verge parking, to avoid duplication of local project appraisals.

The Strategic Director said the following in response to Members' questions:

- i. Information about EIP was in the public domain. This occurred through a soft launch on the digital platform. Officers were checking links worked so customers had access to the information they wanted.
- ii. The results from various surveys was that interest focussed on shared services at present (not EIP).
- iii. EIP staff resources were currently prioritised towards project delivery, not getting details on-line.

Councillors requested a change to recommendation 2a. Councillor McGerty formally proposed to amend the recommendation in the Officer's report as follows (amendment shown as bold text):

- £70,000 per annum for strategic, city-wide programme developed by officers and approved by the Executive Councillor, **informed by suggestions from residents and area committees; and**

The Committee unanimously approved this amended recommendation.

The Committee resolved unanimously to endorse the recommendations as amended.

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.

19/19/EnC S106 Funding for Streets and Open Spaces Portfolio: Next Steps

Matter for Decision

Off-site S106 contributions paid by developers help to mitigate the impacts of their developments on local amenities. They are based on legal agreements

and have to be used in line with official regulations. S106 funding availability is more limited than it once was and is unevenly spread across the city. Official regulations highlight the need to make a distinction between generic S106 contributions and specific ones. The Council uses 'target lists' as a starting point for negotiating play area and open space specific contributions.

The Officer's report set out the process for future generic S106 funding rounds for play area and open space improvement projects.

Generic S106 funding rounds can only seek project proposals from wards where S106 funding is available locally.

The report also highlighted plans to commission a public art project close to Trumpington's boundary with Petersfield and Coleridge, in order to make timely use of a nearby, time-limited public art contribution.

Decision of Executive Councillor for Streets and Open Spaces

Agreed:

- i. The arrangements for annual, generic S106 funding round for play areas and open spaces as long as there is sufficient, generic S106 funding available (paragraphs 4.1-4.5 of the Officer's report).
- ii. That, where there is less than £10,000 of unallocated, generic play area and/or informal open space S106 funding available in a ward, this can be used to supplement spend on appropriate local projects identified for specific S106 contributions or via the Environmental Improvement Programme (for projects approved by the Executive Councillor for Streets and Open Spaces) (see paragraph 3.10 of the Officer's report);
- iii. To return decision-making over the use of generic play area and informal open space S106 funding to the Executive Councillor, while maintaining opportunities for all ward councillors to comment on proposals from their part of the city (see paragraphs 4.6-4.7 of the Officer's report);
- iv. To instruct officers to develop proposals for a public art commission (with a budget of between £50,000 - £75,000) in Trumpington ward or close to its boundary with Petersfield and Coleridge wards and report back to this Committee later in 2019 (see paragraph 4.8 of the Officer's report).
- v. To instruct officers to make all city councillors aware of the evidence-based target lists for play areas and open spaces that are used as a starting point for negotiating specific S106 contributions (see paragraph 5.7 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 Urban Growth Project Manager.

The Urban Growth Project Manager said the following in response to Members' questions:

- i. S106 funding contributions had to be used for its intended purpose. Monies could not be moved from one contribution type to another.
- ii. As resources ran down, it was recommended to return decision-making over the use of generic play area and informal open space S106 funding to the Executive Councillor; alongside input from ward councillors, to make the best use of resources available to deliver projects.
- iii. Funding would be allocated through steps set out on page 62 of the Officer's report. Ward councillors were encouraged to comment on the proposals received (see page 64).
- iv. Proposed to put information about s106 funding on the council website.
- v. A clear relation would be maintained between S106 funding where it was from and where it would be spent.

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.

19/20/EnC S106 Funding for Communities Portfolio: Next Steps**Matter for Decision**

The purpose of S106 developer contributions is to help mitigate the impact of development. The report set out the next steps to identify future S106-funded projects for improving community facilities, outdoor sports and indoor sports in Cambridge.

S106 funding is limited and unevenly spread across the city. Not only have official regulations restricted the amount of new, specific S106 contributions coming in since 2015, but the availability of remaining generic S106 contributions has been running down as it has been allocated and spent through funding rounds in recent years.

Generic S106 funding rounds would only consider applications for community facility improvements in those wards where there is £10,000 or more available.

Decision of Executive Councillor for Communities

Agreed:

- i. The process for annual, generic S106 funding rounds for community facilities, for as long as there is generic S106 funding available (see paragraphs 4.6 - 4.8 of the Officer's report);
- ii. That, where there is less than £10,000 of generic community facilities S106 funding available in a ward, this could be used to supplement spend on appropriate local projects identified for specific S106 contributions (see paragraph 4.4 of the Officer's report);
- iii. To note that proposals for the use of generic, outdoor and indoor sports S106 funding will come forward to this Committee as and when they are ready, in line with strategic priorities (see paragraphs 5.1 – 5.2 of the Officer's report);
- iv. To allocate generic outdoor sports S106 funding to the following grant-based projects, subject to planning permission, business case approval and community use agreements (paragraph 5.3 and Appendix E of the Officer's report)
 - a. up to £65,000 outdoor sports contributions towards the improvement and upgrade of outdoor sports courts and the artificial pitch at Chesterton Community College and
 - b. up to £45,000 of outdoor sports contributions for floodlighting improvements and training pitch provision at Cambridge Rugby Club;
- v. To add the following community facilities to the 'target list' to be used as a starting point for identifying possible specific contributions: Clay Farm Centre, Storey's Field Centre, Nightingale Avenue Pavilion, and new community facilities at the Cromwell Road development and at the former Mill Road Depot site (see paragraphs 6.5 – 6.6 of the Officer's report);
- vi. To agree the updated approach for identifying specific S106 contributions for community facilities in those parts of the city where

- there are not Council-owned or managed community facilities nearby (see paragraph 6.7 and Appendix F of the Officer's report); and
- vii. To instruct officers to make all city councillors aware of the evidence-based target lists for play areas and open spaces that are used as a starting point for negotiating specific S106 contributions (see paragraph 6.12 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 Urban Growth Project Manager.

The Community Funding and Development Manager updated the committee on the East Barnwell Centre project. A grant was allocated in 2013, the project scope then changed, but was now being firmed up. The Community Funding and Development Manager was willing to update ward councillors on progress if requested to.

The Urban Growth Project Manager had reviewed historic collections of s106 contributions to ensure monies used appropriately and in a timely manner.

The Sport & Recreation Manager said a report would be brought back to committee in future regarding s106 spent on sports facilities.

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.

19/21/EnC Extension of Public Spaces Protection Order - Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place, Cambridge

Matter for Decision

The Officer's report asked the Executive Councillor to approve the proposal to extend the current Public Spaces Protection Order (hereafter PSPO or "the Order"), due to lapse on 31 May 2019, in respect of Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place, Cambridge, in the form as set out in Appendix A1-4 of the Officer's report.

Decision of Executive Councillor for Communities

Approved the extension of the current PSPO, in the form as set out at Appendix A1-4 of the Officer's report, for a duration of three years.

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. Referred to comments by the Police Inspector, which appeared to contradict themselves, by supporting the PSPO in one section and not in another.
- ii. Referred to paragraph 3.6.5 in the Officer's report and expressed concern there appeared to be an exit strategy for the PSPO even though they should not be in place indefinitely.
- iii. Referred to paragraph 3.19 in the Officer's report and asked if continuing the PSPO was contrary to Local Government Association advice.
- iv. The PSPO sent out a message that anti-social behaviour had consequences.
- v. Stopping the PSPO sent out the wrong message but councillors needed to be confident the PSPO would be lifted in future, so an exit strategy was needed to plan this.

The Safer Communities Manager said the following in response to Members' questions:

- i. The Police Inspector broadly supported the PSPO extension. He appeared to contradict himself in responses, which officers were unable to clarify before putting details in the committee report. The Inspector appeared to confuse supporting moving people away from drinking and what a PSPO could do. The Street Life Working Group (SLWG) was a multi-agency group working with people difficult to engage and involved

- in street based anti-social behaviour. SLWG had individual support plans to get people away from drinking.
- ii. The PSPO aimed to return public spaces back to areas of public enjoyment. We were not where we wanted to be at present, but progress was being made towards the long term strategy. This could be reviewed in future but officers recommended continuing the PSPO to stop drinking in public places which prevented them from being used for their designated use.
 - iii. Referred to front line officer comments that the PSPO stopped drinking and anti-social behaviour in public places.
 - iv. The PSPO had done what it set out to do.

The Committee resolved by 7 votes to 0 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.

19/22/EnC Update on the Work of Key External Partnerships

Matter for Decision

The Officer's report provided an update on the work of the Health and Wellbeing Board, Cambridge Community Safety Partnership and Children's Trust as a part of the Council's commitment given in its "Principles of Partnership Working", to set out annual reports on the work of the key partnerships it is involved with.

Decision of Executive Councillor for Communities

Agreed to continue to work with the Health and Wellbeing Board and Cambridge Community Safety Partnership to ensure that public agencies and others can together address the strategic issues affecting Cambridge and that the concerns of Cambridge citizens can be addressed.

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 and the committee made no comments in response to the report from the Strategy Officer.

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.

19/23/EnC Shared Waste Service Business Plan 2019/20

Matter for Decision

The Shared Services Business Plans 2019/20 demonstrated that continued progress had been made over the last year against the Shared Services objectives. Shared Services continue to explore new ways of working. They are an important feature of the transformation agenda, particularly through the use of technology.

The Business Plan has been considered by the Shared Service member Steering Group, the Shared Service Management Board, and the Chief Executives and Leaders/Portfolio holders for each Council. It was now being presented for scrutiny in all partner authorities.

Decision of Executive Councillor for Environmental Services and City Centre

- i. Approved the Business Plan for each of the Shared Services attached as Appendices to the Officer's report; and
- ii. Authorised the Shared Services Management Board to approve final amendments to the Business Plans in line with comments received from all partner councils.

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 Waste Resources.

In response to the report Councillors commented that a tax on non-recyclable plastics would be beneficial. Suggested more details could be included in the Resources and Waste Strategy on how costs were being pushed back to manufacturers, and recycling rates were increasing.

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

- i. He had hosted a meeting with councillors to go through responses to the Resources and Waste Strategy. Details were not available at the time of writing the Officer's report. He was happy to respond to queries outside of today's meeting. Also to host another meeting.
- ii. The Head of Waste Resources suggested consulting on responses to the first question as responses to this would affect responses to other questions.
- iii. There was money in the budget for consultancy work. The Head of Waste Resources recommended saving funding until the second or third phase as the future was unquantifiable at present. Central Government's strategy could not be predicted, nor how the City Council should respond (at present).
- iv. The Resources and Waste Strategy would come into effect in 2023. The Head of Waste Resources suggested avoiding making any last minute changes.
- v. A change to legislation was expected in future on how the council collected recyclables:
 - a. What could be collected.
 - b. Bins.
 - c. Provision of recycling facilities.
- vi. The council was trying to collect satisfaction data on bin collection. Complaints were not recorded in key performance indicators as they were logged in a separate council system.
- vii. There was some increase in complaint figures as the council had made it easier for people to contact the organisation.
- viii. Comments and complaints were used by officers to shape the waste service.

The Strategic Director said the Annual Shared Service report was coming to the next committee meeting and would include performance data.

The Head of Waste Resources said officers were looking at how to publish performance data on the council website. 'Success' was seen as

reducing the amount of waste and increasing recycling rates; rather than reducing the number of complaints about the service.

- ix. The Head of Waste Resources offered to clarify service costs (P96 of the Officer's report) to councillors upon request. The Waste Service had a low ratio of staff to managers to minimise cost and maximise independence/autonomy of staff.

The Committee resolved by 9 votes to 0 (unanimously by those present) 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.

The meeting ended at 7.35 pm

CHAIR