

# Public Document Pack

Environment and Community Scrutiny Committee

EnvCm/1

Thursday, 4 October 2018

## **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**

<b>Name</b>	<b>Item</b>	<b>Interest</b>
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**