

Public Document Pack

Environment and Community Scrutiny Committee

EnvCm/1

Thursday, 27 January 2022

ENVIRONMENT AND COMMUNITY SCRUTINY COMMITTEE 27 January 2022 5.40 - 8.35 pm

Present: Councillors Healy (Vice-Chair, in the Chair), Ashton, S. Baigent, Copley, Gilderdale, Hauk, Payne, Porrer, Sheil and Sweeney

Executive Councillors: Collis (Executive Councillor for Open Spaces, Sustainable Food and Community Wellbeing), Moore (Executive Councillor for Climate Change, Environment and City Centre) and A. Smith (Executive Councillor for Communities)

Officers:

Director of Neighbourhoods and Communities: Jane Wilson

Head of Community Services: Debbie Kaye

Head of Legal Practice: Tom Lewis

Community Funding and Development Manager: Jackie Hanson

Environmental Health Manager: Yvonne O'Donnell

Streets and Open Spaces Development Manager: Alistair Wilson

Committee Manager: James Goddard

Meeting Producer: Gary Clift

FOR THE INFORMATION OF THE COUNCIL

22/1/EnC Apologies for Absence

Apologies were received from Councillors H. Davies (Chair), and O'Reilly. Councillors Ashton and Gilderdale attended as Alternates.

22/2/EnC Declarations of Interest

Name	Item	Interest
Councillor Healy	22/8/EnC	Personal: Works for Amnesty International.

22/3/EnC Minutes

The minutes of the meeting held on 7 October 2021 were approved as a correct record and signed by the Chair subject to the following amendment:

21/35/EnC Declarations of Interest. Councillor Collis. Personal (21/41/EnC): Former Chair of Abbey Pool **People**.

22/4/EnC Public Questions - Communities Portfolio

There were no public questions.

22/5/EnC Community Grants 2022-23

Matter for Decision

This was the annual report for the Community Grants fund for voluntary, community, and not for profit organisations.

The report also provided updates for 2021-22 and outlines key areas of work going forward.

Decision of Executive Councillor for Communities

- i. Approved the Community Grants to voluntary and community organisations for 2022-23, as set out in Appendix 1 of the Officer's report, subject to the budget approval in February 2022 and any further satisfactory information required of applicant organisations.
- ii. Approved £30,000 to Cambridge Council for the Voluntary Sector (CCVS) for a building community power and resilience project following on from the remarkable support undertaken by communities during the pandemic and linking to the Council's 'Our Cambridge' transformation programme, as detailed in section 4 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 Community Funding and Development Manager.

In response to the report Councillors asked for the Committee's thanks to the Community Funding and Development Manager and her Team to be recorded for their hard work.

The Community Funding and Development Manager said the following in response to Members' questions:

- i. A funding statement to mitigate the impact of Covid had been put out in March 2020. Details set out in the agreement said the City Council would support groups if applicants contacted officers to request assistance.
- ii. There had been no applications from voluntary groups to support the Gypsy and Traveller community. Applications had been received from other communities. Officers were working with the Equalities Officer to understand how to approach groups who did not apply to encourage them to do so.
- iii. Different amounts of funding were allocated around the city wards based on population size. The calculation had been in place for ten years.
- iv. A budget of £1,000,000 was available for Community Grants 2022-23 subject to approval of the Council's budget in February 2022. £70,000 of the Community Grants budget was allocated to Area Committee Community Grants as in previous years. The amount had been the same for years. Inflation was taken into consideration.
- v. Applicants had to meet criteria to receive funding. Funding was awarded according to what was considered acceptable under project criteria.

The Executive Councillor said the City Council was one of the few District Councils in the country who maintained a community funding pot. If some sections were increased, the impact on the overall budget would have to be reviewed.

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.

22/6/EnC Public Questions - General

Public Question

A member of the public asked several questions, as set out below.

1. Raised the following points:

- i. What are the council's plans to improve access to drinking fountains across the city? The stark lack of public drinking fountains in Cambridge has always seemed to me to be completely at odds with our ambitions to be a "green city".
- ii. The refill programme is no substitute for drinking fountains. In the current pandemic the last thing we want is extra people crowding into shops and cafes just to fill up water bottles.
- iii. We are a very active city with cyclists and runners everywhere - something we can be proud of - can we please cater to them a little better (and to the many tourists we welcome to the city) by having simple water fountains in select locations?

The Senior Asset Development Officer responded:

- i. Introduction of water fountains in Cambridge was added to the Spring 2020 Environmental Improvement Plan (EIP)
- ii. This initiative followed on from a successful trial water filling station located on Parkers Piece in 2019.
- iii. The EIP project sought to locate public water points on some of the key open spaces in the City and were operational upon COVID-19 pandemic restrictions easing in July 2021 to avoid the potential of transmission given the push button operation.
- iv. Currently we have water points for drinking at: Parkers Piece, Cherry Hinton Hall, Jesus Green, Lammas Land, Kings Hedges Recreation Ground, Christs Pieces and imminently on Midsummer Common. There is also a fountain located within the Lion Yard public conveniences.
- v. We also have a pre-approved project for a pump out station for moorers at Stourbridge Common which will enable provision on this site.
- vi. We continue to explore further opportunities on our sites and across the City Centre street scene and welcome public suggestions which could be explored and where practicable delivered as part of an ongoing programme to run alongside the Refill and other green initiatives.

22/7/EnC Herbicide Reduction Plan

Public Questions

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

1. Raised the following points:
 - i. Welcomed the recommendations made in the Herbicide Reduction Plan (HRP). Suggested some amendments at 2.1 a) 'The Executive Councillor is recommended to approve the Herbicide Reduction Plan Project as set out in Appendix A.'
 - ii. Reasons for suggesting amendments to g) and h) were:
 1. Dates and preparations for the 12 wards outside the herbicide free trial are not mentioned in the HRP. The start date for herbicide spraying is not given, nor the need for website content updating or publicity for their treatments. The date for Consultation and Communication preparations for the trial wards to be ready is 25th February with a start date of 1st March. See point 5 of the report.
 2. Resources need to be allocated so residents can look up planned herbicide treatment dates by ward on the council's website and see in situ signage so they can keep pets, children and themselves away from treated areas. This is for public health reasons, to reduce their exposure to herbicides.
 3. Herbicides are probably carcinogenic (WHO) and are neurotoxic to humans.
 4. After herbicide treatment plants do not die off for 5 to 10 days so are invisible for that time.
 5. Glyphosate, the most common herbicide, has a half-life of 3 days to 19 weeks depending on the weather so can stay toxic for a long time. Herbicides pollute the air, the ground and ground water. You cannot see, taste or smell it in water.
 - iii. Appendix A
 - g) 'Explore the most effective methods of communicating with residents...about any necessary herbicide applications, which ~~may~~ will include the following commitments; publishing the planned dates of herbicide treatments by road/ward *for the whole city* for the remainder of 2022 ~~and thereafter~~ on the council website, allowing residents to find out when a treatment is planned. *After 2022 herbicide treatments will end.*'
and
 - h) '~~Consider the commitment Committo~~ displaying signage in situ on the relevant roads and pavements with dates of any herbicide treatments ~~from for the remainder of 2022 onwards after which herbicide treatments will end.~~'

The Executive Councillor for Open Spaces, Sustainable Food and Community Wellbeing responded:

- i. Sections G and H were part of a council motion so could not be amended unless details went back to a Full Council meeting. The above ideas could be noted for future reference to avoid delay.
- ii. The project initiation document contained strategic data, not operational data such as dates. It set tasks to be completed by 25 February. Officers would work with the project board on the tasks.
- iii. Officers would communicate with residents about pesticides to be used. They were looking at ways to do this in conjunction with the project board.
- iv. Residents would be advised when work was to be undertaken and any issues to be aware of.

Supplementary question:

- i. Requested pesticide work be listed on the council website, so residents could see action taken at a road or ward level.
- ii. Queried if herbicide work would end in 2022.

The Executive Councillor responded:

- i. Pesticide work could be listed on the council website.
- ii. Results from the end of the trial could not be predicted in advance. It was hoped pesticide use would end after 2022.

2. Pesticide-Free Cambridge raised the following points:

- i. Reiterated their firm commitment to working with the City Council to make Cambridge pesticide-free, starting with a complete end to herbicide use on land owned or managed by the City Council. Remained committed to working with communities, groups and residents to make this happen as quickly and as effectively as possible. Welcomed the Herbicide Reduction Plan (HRP) and the Herbicide-Free Streets proposal. Was disappointed to note that they had no response to questions to the ECSC meeting on 7th October 2021 or to their follow up email to councillors on 10 December 2021.
- ii. Raised the following questions for the ECSC meeting on 27 January 2022:

1. Although the pesticide free motion of 22 July stated that the council would work directly with Pesticide-Free Cambridge over the planned herbicide free trials, to date we have only had informal talks with the Biodiversity Team, and we have not been included in any formal discussion with the council. When will Pesticide-Free Cambridge be invited to join a working group to monitor the progress of the ward trials and herbicide-free streets, and to have input into related information campaigns and websites?
2. When will the city council start to post notices of when herbicide spraying is due to take place across those wards and streets that are NOT being included in the HRP and to erect information signage in areas that are undergoing herbicide-free trials?
3. Will the city council operatives wear full PPE, as is legally required, when spraying herbicides?
4. Will steps be taken to include specific reference to the human health impacts of pesticide exposure in the HRP? We are concerned that the only health impacts mentioned in the current document are those connected with trip hazards posed by urban plants.

The Executive Councillor for Open Spaces, Sustainable Food and Community Wellbeing responded:

- i. (Q1) For this to succeed the City Council would need to work with other organisations as set out in the Stakeholder & Comms Plan. A project board would lead on the plan.
- ii. (Q2) Ideas were being developed on how to communicate with residents. The Stakeholder & Comms Plan would set out details.
- iii. (Q3) City council operatives would wear full PPE and undertake a risk assessment.
- iv. (Q4) The EQiA set out potential negative impacts which would be reviewed. The positive impact of ending pesticide use was also set out.

Matter for Decision

The Council has considered, debated, and shares the concerns from residents about the use of herbicides in the city.

On the 18th July 2019, the Council unanimously voted in favour of declaring a Biodiversity Emergency. In response, the Council has stopped the use of

herbicides in playgrounds, parks and commons. This declaration also included a commitment to reducing and removing the need to use herbicides on highway footpaths and verges, and to find viable and effective alternatives.

On 22nd July 2021, the Council passed a Herbicide (Free) Motion (ref. 21/32/CNlc), which sets out a range of tasks and actions to reduce the reliance on herbicides as a means of managing unwanted vegetation on public property assets within the city.

The Officer's report and its accompanying proposed Herbicide Reduction Plan (HRP) Project Initiation Document (as set out in Appendix A) responds to the Council declared Biodiversity Emergency and approved Herbicide Motion.

Decision of Executive Councillor for Open Spaces, Sustainable Food and Community Wellbeing

- i. Approved the Herbicide Reduction Plan Project Initiation Documentation as set out in Appendix A of the Officer's report.
- ii. Approved Newnham and Arbury as the two trial Wards to be completely herbicide free for 2022.
- iii. Approved the introduction of up to 12 herbicide free streets in addition to and outside of the two trial herbicide free wards.

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 Streets and Open Spaces Development Manager.

The Streets and Open Spaces Development Manager said the following in response to Members' questions:

- i. Noted that members of the public and committee had suggested putting information about pesticide usage on physical signs (to be displayed in areas when work undertaken) as well as on websites. Signage was a significant resource. It was only accurate on the day it was written whereas webpage details could be updated faster. Would investigate the suggestion of using stickers as an alternative to signs as they could be easier to produce. Also QR codes.

- ii. Undertook to produce a stakeholder communication plan to manage expectations and set out what people could expect from the trial.
- iii. The trial was modelled on herbicide reduction action undertaken in Lambeth. People could opt into the trial. A consensus from residents was needed to show if people in a street wished to participate or not.
- iv. Noted the suggestion to include details in Cambridge Matters.
- v. Newnham and Arbury were chosen for the trial as they had different streetscapes that could be contrasted to review how the trial worked.
- vi. Hazards would be noted and reacted to during the trial.
- vii. Noted councillors' concerns about strimming and mowing around trees as this could cause damage.

Councillors requested a change to the recommendations. Councillor Porrer proposed to add the following recommendations to those in the Officer's report:

- New recommendation d - publishing the planned dates online of herbicide treatments for the whole city for 2022, with information available by both ward and road.
- New recommendation e - committing to mark streets treated with herbicides with simple signs such as stickers on lamp posts.
- New recommendation f - committing to end herbicide treatments on streets and open spaces in the city in 2022, subject to a successful trial.

The Chair decided that the proposed new recommendations should be voted on and recorded separately:

The Committee rejected recommendation d by 6 votes to 4.

The Committee rejected recommendation e by 6 votes to 4.

The Committee rejected recommendation f by 6 votes to 4.

The Committee unanimously resolved to endorse the (unamended) substantive recommendations as set out in the Officer's report.

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.

22/8/EnC Review of Use of the Regulation of Investigatory Powers Act

Matter for Decision

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 Executive Councillor for Transport and Community Safety and Environment and Community Scrutiny Committee last considered these matters on the 28 January 2021.

The City Council has not used surveillance or other investigatory powers regulated by RIPA since February 2010.

The Officer's report sets out the Council's use of RIPA and the present surveillance policy.

Decision of Executive Councillor for Open Spaces, Sustainable Food and Community Wellbeing

- i. Reviewed the Council's use of RIPA set out in paragraph 3.5 of the Officer's report.
- ii. Noted and endorsed the steps described in paragraph 3.7 and in Appendix 1 of the Officer's report to ensure that surveillance is only authorised in accordance with RIPA.
- iii. Approved the general surveillance policy in Appendix 1 to 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

This item was not requested for pre-scrutiny and the committee made no comments in response to the report from the Head of Legal Practice.

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.

22/9/EnC RoD Cambridge South Station Consultation Response

The decision was noted.

22/10/EnC Review of Operation of the Councils Out of Hours Noise Service**Matter for Decision**

The Council has a legal duty to investigate statutory nuisance within its area under the Environmental Protection Act 1990. However, the law does not specify how to exercise this duty, it is therefore the responsibility of each Local Authority to establish its own procedures for investigating complaints of noise that may amount to statutory nuisance.

The Councils Out of Hours Noise Service operated for the last 25 years, which, until October 2019, operated 7pm – 7am Monday – Friday; and 9am – 5pm, and 7pm – 7am, respectively on weekends and Bank Holidays. This approach required significant staffing levels and tied up staff time in reactive, rather than targeted pro-active service work.

The primary purpose of the previous Out of Hours Noise Service was to allow residents to log initial noise complaints and for officers to contact complainants to gather information and evidence to determine the existence of a statutory noise nuisance. Referrals would then be made to the daytime team to take appropriate enforcement action in relation to applicable cases of ongoing noise disturbance persistently detrimentally affecting the quiet enjoyment of someone's home.

Following a review of Council Out of Hours services, including noise, combined with a difficulty recruiting to Out of Hours Noise Service posts, and the availability of new 'self-help' evidence gathering technologies and equipment, the Council committed to trial a new Out of Hours Noise Service approach.

This trial moved away from residents having access to officers to discuss their complaint and / or request a visit out of hours, to all noise complaints being passed to daytime officers within Environmental Health to discuss their complaint and / or arrange a proactive, pre-arranged visit(s). The trial adopted a proactive planned approach, supported by evidence gathering technologies

and equipment, for witnessing of noise disturbances out of hours. This new approach enabled complaints to be triaged more effectively and for staff resources to be deployed in a more efficient way.

The trial of this new approach has been evaluated and the results fully support its adoption on a permanent basis, in place of the previous reactive and inefficient Out of Hours Service model.

Decision of Executive Councillor for Climate Change, Environment & City Centre

- i. Noted the results of the pro-active and planned Out of Hours Noise Service trial
- ii. Approved (based on the trial evaluation results) the adoption of the pro-active and planned Service approach on a permanent basis, supported use of evidence gathering technologies and equipment, in place of the reactive and inefficient Service model.

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 Environmental Health Manager.

The Environmental Health Manager said the following in response to Members' questions:

- i. An evidenced based action was a better way forward based on kit loaned out by the council, rather than a visit by a council officer to witness anti-social behaviour.
- ii. People could report issues in the same way as the 24/7 service by ringing the Customer Access Centre during office hours. An officer would contact them within three working days (usually less). The officer would discuss options with the concerned resident. The council would triage options based on evidence submitted and manage expectations on options available as some issues were civil matters outside of the council's control. The process was the same as before except for having someone at the end of a phone 24/7.

- iii. Customer Access Centre call handlers had been trained on how to give information in response to reported issues. Case Officers would follow up the next working day after a call had been logged.
- iv. A councillor briefing session was planned to give information on how members could offer support to residents.
- v. Only a small minority of councils provided a 24/7 answer service so moving away from this put Cambridge City in line with the majority. The service was not stopped, just refocussed. Some councils provided less.
- vi. The Customer Access Centre provided a single point of contact for residents and made it easier for the council to triage noise complaints so officers could effectively manage expectations on what the council could do to respond.
- vii. The Officer's report set out the number of reported noise complaint cases. Most were during the day.
- viii. The amount of noise monitoring kit had increased from one item to two. These could be loaned out for up to a week. Officers never refused to loan out items, but there may sometimes be a delay until kit became available.
- ix. Residents would be contacted about the service through various channels such as Open Door. Feedback was welcome on how effective this was.
- x. The Enforcement Team gave feedback on planning applications to advise on relevant conditions to mitigate noise issues e.g., during construction. Officers monitored the situation and acted where required.

Councillors requested a change to the recommendations. Councillor Payne proposed to add the following recommendations to those in the Officer's report:

1. Note the results of the pro-active and planned Out of Hours Noise Service trial; and
2. Based on the trial evaluation results, to approve the adoption of the pro-active and planned Service approach for a further 12 months, pending a further review and report to Environment and Communities Scrutiny Committee when a full year's data is available. ~~on a permanent basis, supported use of evidence gathering technologies and equipment, in place of the reactive and inefficient Service model.~~

The Committee rejected the recommendation by 6 votes to 4.

The Environmental Health Manager offered to bring a report back to committee in October on how the service was progressing.

The Committee resolved by 6 votes to 0 to endorse the (unamended) substantive recommendations as set out in the Officer's report.

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.

22/11/EnC Complaint Upheld By The Local Government & Social Care Ombudsman Service Relating To Pest Control

Matter for Decision

The Local Government & Social Care Ombudsman Service has found "there was fault causing injustice" in relation to a complaint about how the Council used rat poison at a residential property within the City which incurred vet bills after their dog came into contact with it.

This customer also complained that the Council failed to provide details of the poison or an emergency contact number, causing distress and did not deal with this complaint properly, causing them time and trouble.

Decision of Executive Councillor for Climate Change, Environment & City Centre

Noted the findings of the Local Government & Social Care Ombudsman Service in respect of this case and the actions taken by the Council in response to these findings.

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 Environmental Health Manager.

In response to the report Councillors commented that it showed the need for signage and councillors noted actions taken by officers.

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.

The meeting ended at 8.35 pm

CHAIR

This page is intentionally left blank