

ENVIRONMENT AND COMMUNITY SCRUTINY COMMITTEE 5 October 2023
6.00 - 8.30 pm

Present: Councillors Divkovic (Chair), Nestor (Vice-Chair), Glasberg, Griffin, Hauk, Payne, Swift and Wade

Executive Councillors: Carling (Executive Councillor for Open Spaces and City Services), Davey (Leader of the Council), Gilderdale (Executive Councillor for Community Wealth Building and Community Safety and Deputy Leader (Statutory)), Healy (Executive Councillor for Communities) and Moore (Executive Councillor for Climate Action and Environment)

Also present Councillors: Levien and Thornburrow

Officers:

Assistant Chief Executive: Andrew Limb

Community Engagement and Enforcement Manager: Wendy Johnston

Community, Sport & Recreation Manager: Ian Ross

Group Operations Manager (secondment): Alistair Wilson

Environmental Quality & Growth Manager: Jo Dicks

Public Realm Engineering & Project Delivery Team Leader: John Richards

Residential Team Manager (Environmental & Public Health): Claire Adelizzi

Strategy and Partnerships Manager: David Kidston

Urban Growth Project Manager: Tim Wetherfield

Committee Manager: James Goddard

Meeting Producer: Boris Herzog

Others Present:

Scientific Officer: Elizabeth Bruce

FOR THE INFORMATION OF THE COUNCIL

23/10/EnC Apologies for Absence

Apologies were received from Councillor Pounds. Councillor Griffin attended as her Alternate.

23/11/EnC Declarations of Interest

Name	Item	Interest
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Councillor Glasberg	23/16/EnC	Personal: member of Friends of the Cam, Riverside Bathing Club plus Friends of Paradise Nature Reserve.
Councillor Thornburrow	23/16/EnC	Personal: Trustee of Cam Conservators who submitted a letter in support of bathing area designation on the Cam, but she abstained from the debate by Cam Conservators when that was done.

23/12/EnC Minutes

The minutes of the meeting held on 29 June 2023 were approved as a correct record and signed by the Chair.

23/13/EnC Re-Ordering Agenda

Under paragraph 4.2.1 of the Council Procedure Rules, the Chair used her discretion to alter the order of the agenda items. However, for ease of the reader, these minutes would follow the order of the published agenda.

23/14/EnC Petition - On Behalf of the River Cam to Ask the Council to Recognise the Rights of the Cam

The Lead Petitioner made a presentation to Committee setting out background information.

We the undersigned petition the council help to protect the river by declaring that the river had rights in accordance with the Universal Declaration of the Rights of Rivers as adapted for the declaration of the rights of the Cam. These include:

- the right to flow and be free from over-abstraction;
- the right to perform essential functions of flooding, moving sediment, recharging groundwater and sustaining biodiversity;
- the right to be free from pollution;
- the right to feed and be fed by sustainable aquifers;
- the right to native biodiversity;
- the right to restoration;

- the right to maintain connections with other streams and rivers.

Justification:

Our river was dying from pollution, over-abstraction and mass building which exacerbates both. The Cam was the first river in the UK to have a public declaration of its rights, in a midsummer ceremony in 2021 at Jesus Green, which was repeated each year. Hundreds of Cambridge citizens have pledged to become guardians of the river.

Cambridge was in the driest part of the UK, which had already suffered an average temperature rise of 3 degrees centigrade above pre-industrial levels, way above the global average of about 1.2 degrees. Climate change puts a large additional pressure on the river system causing increased drought in the summer months and more intense rainfall in the winter with consequent dangers of flooding.

No aspect of nature was more important than the water in our river systems. Water was essential to life. Most human settlements form around sources of fresh water. The Cam was central to the history, life and survival of our City. Recognising the rights of nature, had never been more urgent as we attempt to limit its destruction through environmental degradation and climate and biodiversity catastrophes. The nature rights movement could assist people in moving beyond the exploitation of nature to living in harmony with it.

Recognising the rights of the Cam would place an obligation on the Council to consider the effect on our river and its tributaries of all relevant planning decisions.

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

- i. It was important to recognise the rights of nature. It was hard to focus on a particular area such as trees or the river.
- ii. Everyone had the right to a clean environment. The City Council should use its powers to ensure this.
- iii. Councillors had learnt a lot from residents about the River Cam. The Water Management Plan would be in place alongside the emerging Local Plan.
- iv. The Executive Councillor for Planning, Building Control and Infrastructure would look at how to introduce policies in the planning process to protect the Environment and chalk stream in particular.

The Executive Councillor for Open Spaces and City Services said the following in response to the petition and Members' questions:

- i. The petition had no legal binding on Michael Gove's plan to develop the city.
- ii. Agreed residents had a right to clean water. The Council were doing a lot to protect the River Cam at present such as a three year Greater Cambridge Chalk Streams Project.
- iii. The Council was working with the Water Regulator to protect the river and ensure extraction did not have a negative effect. Referred to a joint letter from South Cambs District Council and the City Council on measures to protect the river.

The Lead Objector said the following in response to Members' comments:

- i. Water was the most important issue, even above trees etc who needed water to survive.
- ii. The Environment Agency said building levels in the city were already damaging the river and environment. If the City Council were to take the biodiversity and climate change emergency issues seriously, it needed to speak out more clearly as growth had already almost used up the legally binding carbon budget to 2050.

23/15/EnC Public Questions

Public Questions

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

1. Cam Valley Forum raised the following points:
 - i. Cam Valley Forum would like to apply to Defra for Bathing Water Designation for the Cam at Sheep's Green, for the reasons outlined on their website <https://camvalleyforum.uk/bathing-water-designation/>
 - Requested a formal letter of support from the City Council to enable the application.
 - ii. Cam Valley Forum undertook a ten week online consultation from 8 July to 15 September, including two consultation events. This online consultation received 509 responses, the vast majority of which were from the local area. 471 (93%) supported an application, 33 (6%) were against, 5 (1%) unsure.

The most common reason for supporting designation was wanting cleaner water in the Cam to reduce the health risks to swimmers and

other water users. The most common reason given for opposing designation related to a concern that designation would significantly increase visitor numbers, which in turn would have adverse consequences for the local environment.

Suspected the fear of increased visitor numbers largely results from rumours that the council intended to promote the site as a visitor destination. As explained in https://camvalleyforum.uk/bwd_faqs/, designation was simply a means to increase the safety of existing bathers and there was absolutely no obligation on councils to promote it as a visitor destination.

- Hoped Councillors could confirm there was no intention of marketing it as a Visitor Destination?
- iii. Defra required Cam Valley Forum to submit two user surveys showing an average of at least 100 “bathers” during a 4-hour period on the two busiest days of the summer. Sheep’s Green had long been a popular bathing spot, so our surveys on the busiest days (Thursday 10 August and Saturday 9 Sept) averaged more than three times this. It was clear from our surveys that Bathing at Sheep’s Green was an important and much appreciated resource for communities across Cambridge. However, as few people stay in the water long, there were seldom more than twelve people in the water at a time during our survey periods.
- Believed “bathing” in the river had minimal adverse impact on natural habitats. As the number of people using parks and nature reserves was likely to increase for other reasons (eg the pandemic, cost of living crisis and climate change), urged the council to invest in maintaining and supporting them.

The Executive Councillor for Open Spaces and City Services responded:

- i. Noted the statement.
- ii. Would not promote bathing in the river as requested by the speaker.

2. The Chair of FeCRA raised the following points:

- i. What was the legal entity responsible for this Designated Bathing Area (DBA) on the River Cam? That was important if the DBA was approved today. Was the council taking on any liability or financial costs on behalf

of residents? Residents were aware that Councillors had delegated decision making powers over Cambridge Market Square and the city centre and River Cam green spaces to officers and their partners in the business consortium Visit Cambridge. They pointed out that Visit Cambridge was an unelected body. At last week's presentation to Cambridge Market Square stakeholders attendees were told that the vision for the visitor destination management plan was commercial.

- ii. Who would be responsible for the DBA where there were accidents or if people got sick? At the recent Cam Ely Ouse conference run by Anglian Water with the Rivers Trust an expert from the UK Centre for Ecology and Hydrology told attendees that clean rivers in Europe where people swim were much bigger than those in the UK. The river was very narrow at the point proposed for the DBA.
- iii. Last week's Cambridge Market Square meeting included a presentation on the detailed work done on addressing health and safety issues regarding the setts in the market square. Had there been any health and safety work done on the DBA?
- iv. Please clarify what was the legal entity responsible for this DBA? Was the council taking on any liability? What work had been done on health and safety issues and the cost of the proposal?

The Executive Councillor for Open Spaces and City Services responded:

- i. The legal entity responsible for the DBA was DEFRA. As part of the application process the view was sought from the City Council as landowner as to whether we supported the DBA application.
- ii. The Council had liabilities associated with the Occupiers Liability Act of 1957 and 1984, along with the Health and Safety at Work Act 1974 amongst many others. There were no new liabilities because of the DBA application.
- iii. There were four models of inland bathing areas that allow swimming, but all carry different financial, practical, and legal responsibilities. These were:
 - a. Unsupervised access;
 - b. Managed bathing facility:
 1. Non-lifeguarded.
 2. Lifeguarded.

- iv. On the unsupervised access model, the Council was not technically providing a bathing facility; instead, it was giving safety advice (via signage on site about wild swimming safety) to people who choose to swim.
- v. The report today was a comprehensive assessment of a whole range of health and safety matters, the report also detailed financial implications. The report allowed Councillors to make a recommendation after scrutiny.

In summary: The City Council had no intention of promoting the DBA. People could swim in it if they wished. People were doing so already and so were already exposed to the risks outlined by the speaker.

23/16/EnC Designated Bathing Area on the River Cam

The River Cam (River) was used for swimming and due to this, there were a range of issues presented and raised. The Officer's report considered these issues, the water quality concerns, the impact on human health from that water quality and a range of other considerations that must be understood to allow the City Council (as landowner) to consider and support a Designated Bathing Water (DBW) for Sheep's Green.

The Council considered on 20 July 2023 a Motion titled Stop Dumping Sewage in our River and Chalk Streams. This report was in response to that motion.

The 2023 motion debate prompted eight public questions at the Council meeting with a range of topics, benefits and concerns.

The Officer's report responded to some of those items and to a range of other matters to be considered to allow the Council to support a formal application by Cam Valley Forum to the Department for Environment, Food and Rural Affairs (DEFRA) for an inland water stretch along the river to be designated as a bathing water site.

The decision process and requirements to support a designated bathing water (DBW) application were set out in the 2023 motion with a full report to be considered at the Environment & Community Scrutiny Committee to help inform a decision by the Executive Councillor for Open Space and City Services.

Decision of Executive Councillor for Open Spaces and City Services

Supported the Cam Valley Forum application for a Designated Bathing Area to the Department for Environment, Food and Rural Affairs for an inland water stretch along the River Cam, within Cambridge City Council boundaries, to be designated as a bathing water site.

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 Group Operations Manager (secondment). He updated details in the report:

- i. DEFRA had changed the definition of 'user' so the description in paragraph 3.7 was correct but the description in paragraph 6.1 (20 days) was suspended.
- ii. Ref paragraph 6.2: The only facility that needs to be near a DBW was toilets.

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

- i. The River was dirty and not somewhere the City Council should signpost as a swimming area.
- ii. The problem was larger than just the city. The River flowed into the city, but from/to the greater area.
 - a. DBA was something the Council could control, but not the water company actions.
 - b. People swam in the River already without being aware of it being dirty. If cleaned up there would be health benefits for people who used it as an amenity space.
 - c. Requested the Executive Councillor to give updates to Committee on DBA progress.
- iii. DBA was a way to protect the River.
- iv. Queried why Anglian Water waited for DBA status before cleaning up the River?
- v. Sheep's Green was not a popular area to swim in at present as it was a nature reserve. DBA status could damage the area if people swam there. Environmental implications were noted in the report, would DBA status attract more people?
- vi. Queried why the Council waited for DBA status before putting up notices about polluted water? Should do that beforehand.

In response to Members' questions the Group Operations Manager said the aim of the DBA was to clean up the River.

The Executive Councillor said the following in response to Members' questions:

- i. Would give an update on DBA at Committee in future.
- ii. Wanted to get pollutants out of the River. This could also help the nature reserve and wildlife in general.
- iii. Referred to Councillor Glasberg's letters to residents and took issue with its contents.

The Committee resolved by 7 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.

23/17/EnC Local Government Ombudsman Decision – Highfields Tree Belt

The Council considered a complaint in relation to the management of land using the Council's complaints procedure. This complaint could not be resolved at Stage 2 of our process, and the complainant referred the matter to the Local Government & Social Care Ombudsman (LGO).

The LGO investigated the complaint covering a range of issues regarding City Council public space at Highfields Tree Belt and found there was fault by the Council with two of the areas which caused the complainant injustice.

The LGO found the Council at fault in how it kept its records for its biodiversity assessments and inspections even when it does not identify and substantive issues or risks and in respect of security of the locked access to the site.

The LGO provided an agreed action for the council to demonstrate it had changed its record keeping procedures by 17th May 2023.

The LGO had subsequently been provided with evidence that the action had been completed and had formally accepted that the identified service

improvement actions, offered by the Council to the complainant, have been fully actioned by the Council.

Decision of Executive Councillor for Open Spaces and City Services

Noted the findings of the Local Government & Social Care Ombudsman 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 made no comments in response to the report from the Group Operations Manager.

The Committee unanimously resolved to note the 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.

23/18/EnC Air Quality Strategy

The Executive Councillor for Climate Action and the Environment joined the committee via MS Teams so decisions for her portfolio were taken by the Leader of the Council.

Public Question

A member of the public asked a question as set out below by written statement and asked for response to be included in the minutes.

- i. "Back in Feb 2017 I asked Cambridge City Council air quality in Cambridge.
See <https://democracy.cambridge.gov.uk/ieListDocuments.aspx?CId=116&MId=3053> item 17/4/CNL and also the video I filmed of the Q&A at <https://www.youtube.com/watch?v=aMlaM9pw6iA>

- ii. Please could the council provide an update on any progress it had made regarding improving air quality - in particular whether Parliament had granted local councils at district/borough level any additional powers and/or duties. Furthermore could the council state whether any powers/duties have been transferred to other tiers of the state - for example the county council or combined authority.”

The Environmental Quality & Growth Manager responded:

- i. Since 2017 we have had no exceedances of the Air Quality (England) Regulations 2000 for Nitrogen Dioxide (NO₂), Particulate matter less than 10 microns in diameter (PM₁₀). In 2017 we had one exceedance of the NO₂ annual mean AQO.
- ii. Following 2020 and 2021, where Covid severely restricted vehicle movements in the city, we saw an increase in concentrations on NO₂ and PM₁₀ at monitoring locations in the City in 2022. We were continuing to monitor concentrations during 2023 to see whether this upward trend continues or whether we have reached a stable level of concentrations.
- iii. In 2021 the Environment Act 1995 was amended. The amendment of this act had brought in changes to existing legislation and new legislation. The main changes were:
 - a. Updates to the Smoke Control Area Regulations:

The reason these regulations have been updated was to reflect the concern around concentrations of PM_{2.5} in the atmosphere, where various studies have confirmed that there was no safe level for human health. Domestic solid fuel burning had been found to be a contributory source of primary PM_{2.5} emissions in urban areas. The new Smoke Control Regulations allow local authorities to issue civil penalties to any premises if they were emitting smoke within a smoke control area. The regulations also allow local authorities to include moored vessels in their smoke control areas following a period of consultation.
 - b. New Environmental Target Regulations 2023:

These regulations set an annual mean target level for PM_{2.5} and an emissions reduction target level for PM_{2.5}. All local authorities were expected to work towards meeting these target levels. This was a requirement of the Environment Act 2021.

- c. Updates to the Local Air Quality Management Policy Guidance (PG22).
- Local Authorities to take a preventative approach to air quality rather than waiting for exceedances to occur, if no AQMA, local Authorities should have an Air Quality Strategy in place to improve air quality.
 - Greater collaboration between air quality partners, especially Public Health and regional partners. Partners should put forward actions for the AQAP including expected timescales for completion. National Highways had now been designated as an Air Quality Partner.
 - Improvement to public access to air quality information / community engagement.
 - Consideration of health inequalities and poor air quality.
 - Reminders for submission of Annual Status Report (ASR's) by 30th June each year and proposing to withhold air quality grant funding for missing deadlines.
 - Consider boundaries of Smoke Control Areas in the District.
 - Linkages between air quality and climate change policies working together for shared improvements.
- d. National Air Quality Strategy 2023:
- Strategy Document from Defra which sets out the requirements for local authorities to take to improve air quality.
 - Under Local Air Quality Management Regulations, District Authorities or Unitary Authorities still have responsibility for air quality in their areas. No powers or responsibilities for air quality have been transferred to Cambridgeshire County Council or the Combined Authority. However, the Local Air Quality Management Regulation Policy Guidance sets responsibilities for partner organisations such as County Councils and bodies such as the Combined Authority to work with District Authorities to improve air quality. If there were any disputes as to whether partner organisations were fulfilling their requirements under LAQM this would be decided by the relevant Secretary of State.
- e. Taxis and EV Infrastructure:
- As of June 2023 we have 55 EV and 65 petrol hybrid out of a fleet of 452.

- We have provided 17 rapid charge points with taxi dedicated access and a discounted tariff for registered taxi drivers.
- We have provided 38x7kw and 4x50kw rapid on street chargers in residential areas, and a significant further deployment of over 70x7kw chargers in city council surface and multistorey car parks was underway.

Matter for Decision

Cambridge City Council was required to adopt an Air Quality Strategy and officers sought a decision on two key elements of the scope prior to bringing a final strategy to Environment and Community Scrutiny committee.

- i. Investigate the opportunity for a joint strategy with South Cambridgeshire District Council (SCDC).
- ii. The adoption World Health Organisation (WHO) Targets.

Whilst the option existed to do a standalone Cambridge City Air Quality Strategy, given the transboundary nature of air pollution, the scale of development and population increase coming forward in the next 20 years through the emerging Greater Cambridge Local plan and the operation of a joint planning service; it seemed appropriate to align the strategy with the new local plan. A joint strategy with SCDC would enable an integrated approach to minimising emissions and maximise benefits to public health.

It was widely accepted that there was no safe level of air pollution. Cambridge currently exceeded WHO guideline levels.

The Strategy would be delivered in partnership with Cambridgeshire County Council, Public Health, South Cambridgeshire District council, Greater Cambridge Planning Service and Greater Cambridge Partnership.

Decision of Leader of the Council

- i. Approved the adoption of World Health Organisation (WHO) Air Quality Guidelines as the air quality standard to work towards across Cambridge.
- ii. Approved the progress of a joint Greater Cambridge Air Quality Strategy with South Cambridgeshire District Council with the finalised Strategy coming before committee in March 2024.
- iii. Approved the progress of a Cambridge City Air quality strategy should South Cambridgeshire District Council not wish to pursue a joint strategy, or the delivery times becomes too long.

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 Quality & Growth Manager.

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

- i. NO₂ emissions were mainly caused by traffic, but levels from heating homes and businesses had also risen.
- ii. The role of tree canopy/plants in cleaning the air was missing from the Officer report.
- iii. Referred to paragraph 3.1.1 in the Officer's report. Local authorities were required to monitor key pollutants across their district under the Local Air Quality Management (LAQM) framework. Research from Centre for Cities suggested the City Council was not performing well.
- iv. There was a lot of development in the city. Planning conditions were in place to protect bats, but how to protect school children next to the Owlstone Croft development site when dust was created during construction work? There were no comments from Planners so School Governors had to. Queried how to train Planners about air pollution to pick up issues at the start of the process? Suggested there was a need to strengthen policies in the next Local Plan.

The Environmental Quality & Growth Manager said the following in response to Members' questions:

- i. Interim air quality targets were being developed to cover the city and wider area around it. These would apply until WHO ones were brought in.
- ii. Progress was being made on the electric vehicle charging situation such as a network of charging points for taxis. The City Council was working with the County Council to install general use street chargers, around seventy would be installed in car parks.
- iii. An action plan would be developed alongside the Carbon Strategy to list practical measures the City Council and partners could take to improve air quality.

The Executive Councillor said city and rural emissions would be measured through a joint strategy to try and meet ambitious targets with South Cambs District Council. The intention was to reduce the amount of emissions and pollutants in the air, not rely on the trees to clean it.

- iv. The City Council had not undertaken an exceedance measure since 2017, so it was legally compliant. This did not affect the Centre for Cities rank of 56th. The City Council had been unable to substantiate why the rank was given as Centre for Cities had not provided their source data.
- v. It was important that the Carbon Strategy had a bearing on planning applications. The Environmental Services Team were consulted on planning applications. There was no way to damp down dust on a building site, prohibiting development if dust occurred would place an unreasonable condition on developers so building work could not go ahead. Developers were expected to adhere to Environmental Service conditions when these were imposed.

The Committee unanimously resolved to endorse the recommendations.

The Leader approved the recommendations on behalf of the Executive Councillor.

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

No conflicts of interest were declared by the Executive Councillor.

23/19/EnC Cambridge City Smoke Control Areas, (SCA's), Enforcement & Fee Policy

Local authorities could take enforcement action in smoke control areas, (SCAs), under Schedule 1A of the Clean Air Act 1993 (as amended by the Environment Act 2021).

Cambridge had three SCAs covering the west and centre of the city. These SCAs were designated in the 1960s following implementation of early clean air legislation that was brought in by the government in England owing to health concerns for citizens linked to the London Smog of 1952.

The enactment of the Clean Air Act 1993 (as amended by the Environment Act 2021) means that only authorised fuels should be burnt in association with chimneys of any buildings in these areas who have a smoke producing

appliance. Alternatively, they should use a Defra approved appliance – this was known as an ‘exempt appliance’.

At the time of initial clean air legislation and the designation of the 3 SCAs in Cambridge, vessels were not deemed to be ‘domestic dwellings’ and so did not fall into the scope of the initial clean air legislation or therefore of Cambridge’s 3 declared SCAs. There was now scope for vessels, (including moored vessels), to be included within our existing SCAs through the amendment of the Clean Air Act 1993 by the Environment Act 2021 provided certain conditions have been met which was not the case at the current time.

Now when smoke was emitted from a chimney in an SCA, the Council could issue a financial penalty, ranging from £175 up to a maximum of £300 per notice, to the person responsible where they were found not to be following the above requirements.

Government guidance referenced the need for local authorities to develop and document their own policy including in relation to how much they would charge those responsible for smoke emissions in SCAs.

The above created a need for an encompassing policy setting out how the Council would carry out its statutory responsibilities in relation to this including enforcement of the legislative requirements and fee setting for issue of financial penalties.

Decision of Leader of the Council

Approved the adoption of the proposed Cambridge City Smoke Control Areas, (SCAs), Enforcement & Fee Policy as attached in Appendix A 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 Residential Team Manager (Environmental & Public Health).

The Residential Team Manager (Environmental & Public Health) said the following in response to Members’ questions:

- i. A campaign would be undertaken to communicate new guidance with residents. The smoke pollution page on the City Council website already had information, but Officers would build on this. Officer contact details were already listed on the same webpage if residents wanted advice.
- ii. Education was the first step before taking enforcement action. Officers had a range of options they could use if people lit fires in smoke controlled areas. The intention was to avoid people burning pollutants not (for example) smokeless fuels.
- iii. Officers would undertake a campaign to raise awareness of smoke controlled areas. Noted councillor comments that residents were unaware they were in a SCA and may try to buy/use a wood burner (for example) as a way to be environmentally friendly.

The Committee unanimously resolved to endorse the recommendations.

The Leader approved the recommendations on behalf of the Executive Councillor.

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

No conflicts of interest were declared by the Executive Councillor.

23/20/EnC Climate Change Strategy and Carbon Management Plan Annual Report 2022/23

The Officer's report provided an update on progress on the 2022/23 actions of the Council's Climate Change Strategy 2021-26.

Decision of Leader of the Council

- i. Noted the progress achieved in implementing the actions in the Climate Change Strategy and Carbon Management Plan.
- ii. Approved the updated Climate Change Strategy action plan.

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 Strategy and Partnerships Manager.

In response to Members' questions:

- i. The Strategy and Partnerships Manager said the Officer's report set out a range of activities taken by the City Council to reduce emissions. The retrofit guide had been promoted fairly extensively. Partnership opportunities had been used to promote guides and retrofitting work.
- ii. The Executive Councillor said she would like to reach out to more people to better promote how to reduce emissions. Referred to actions taken in a Cambridge Matters article. Having someone as a physical presence in a location (to provide information) was not viable at present but could be considered in future by the City Council and partners.
- iii. The Assistant Chief Executive said some emissions had fallen due to actions taken by the City Council and some because the National Grid was using cleaner energy.

The Committee unanimously resolved to endorse the recommendations.

The Leader approved the recommendations on behalf of the Executive Councillor.

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

No conflicts of interest were declared by the Executive Councillor.

23/21/EnC Fixed Penalty Notices Review 2023

The purposes of the Officer's report were:

- i. To inform the Executive Councillor and Scrutiny Committee Members of the revised fixed penalty notice (FPN) levels available for environmental crimes, namely fly-tipping, littering, household waste duty of care, graffiti, and flyposting, which came into force under The Environmental Offences (Fixed Penalties) (England) Regulations 2023 ("the Regulations") on the 31st July 2023.
- ii. To seek authority to revise the current fixed penalty for offences related to littering, fly-tipping, and household waste duty of care to new levels; and to give a discount of 40% (i.e., discounted fine value) for early payment, whilst extending the period during which a payment for FPNs could be made.

Decision of Leader of the Council

The Leader agreed to:

- i. Adopt new levels for fixed penalty notice (FPN) for offences related to littering, fly-tipping, and household waste duty of care and to give a discount of 40% (i.e., discounted fine value), for early payment as detailed in the following tables.

Offence	Proposed FPN level	Proposed discounted FPN level
Littering	£225	£135
Household waste duty of care	£500	£300
Fly-tipping	See below	See below

Size of fly-tipped waste	Proposed FPN level	Proposed discounted FPN level
A single bin bag up to four bin bags of controlled waste (household, industrial or commercial waste)	£500	£300
More than four bin bags up to the size of a large car boot (up to 0.5 m³) or a two-seater sofa of controlled waste (household, industrial or commercial waste).	£700	£420
A pile of waste about the size of a small van up to 7.5 tonne tipper truck (0.5 to 10 m³) of controlled waste (household, industrial or commercial waste)	£900	£540

- ii. Amend the payment period for FPNs for littering, fly-tipping, and household waste duty of care to 28 days and the early payment (discounted FPN level) period to 14 days.

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 Engagement and Enforcement Manager. The committee made no comments in response to the report.

The Committee unanimously resolved to endorse the recommendations.

The Leader approved the recommendations on behalf of the Executive Councillor.

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

No conflicts of interest were declared by the Executive Councillor.

23/22/EnC To Note Record of Urgent Decision Taken by the Executive Councillor for Climate Action and Environment**23/22/EnCb RECAP Partnership Joint Materials Recycling Tender and Contract**

The decision was noted.

23/23/EnC S106 Funding Round for Community Facilities and Indoor/Outdoor Sports Facilities

The Council was running a S106 funding round in 2023/24, seeking grant applications from community groups, sports clubs and schools (as well as proposals from council services) of between £5,000-£30,000 for improving equipment and/or storage at sports venues or community buildings with meeting space in Cambridge. Nine eligible proposals (totaling around £125,000), received by early September 2023 and deliverable by April 2024, were recommended for approval.

The Officer's report also revisited a long-standing S106 project. Almost a decade ago, a £255,000 S106 grant was allocated for providing additional meeting space at East Barnwell Community Centre in Abbey ward. Plans for the project had changed significantly since then, so it was important to update the purposes for which the S106 funding allocation could be used. This case had also highlighted how the Council could strengthen its S106 management processes by adding precautionary measures to help make sure that generic

S106 funds for community and outdoor/indoor sports facilities could be used locally and on time.

Decision of Executive Councillor for Communities

The Executive Councillor for Communities agreed to:

- i. Allocate generic S106 funding from the relevant S106 contribution types, subject to business case approval and community use agreement (as appropriate), to the following project proposals:

	Project proposals	Amount	S106 type
a.	Jesus Green Lido: improved lighting within the facility	£36,000	Outdoor sports
b.	Nightingale Avenue Pavilion furnishings and equipment	£15,000 £2,500	Community facilities & Outdoor sports
c.	Chesterton Rec Pavilion: additional equipment	£10,950 £7,400	Outdoor sports & Community facilities
d.	Basketball court improvements at Coldham's Common	£7,200	Outdoor sports
e.	Football goal improvements at Cherry Hinton & Nightingale Avenue Rec Grounds and Coldham's Common	£13,500	Outdoor sports
f.	Netherhall Sports gym: grant to Cambridge Dive for specialist equipment for diving training	£9,050	Indoor sports
g.	Parkside Pool: new competition lane ropes & improved access to 1-metre diving board	£11,600	Indoor sports
h.	Parkside Pool: grant to City of Cambridge Swimming Club for additional storage	£5,000	Indoor sports
i.	The Meadows Community Centre: equipment for social events, also subject to approval from	£8,650	Community facilities

	Environmental Health		
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See section 4 and Appendices A and B of the Officer report for more details.

- ii. Refocus the use of S106 funding allocated to the East Barnwell Community Centre project in 2013 so that the allocation could now support community facility improvements forming part of the East Barnwell redevelopment that was being overseen by the City Council as part of the Cambridge Investment Partnership (see paragraph 5.3 of the Officer's report).
- iii. Approve a new process whereby any generic S106 funds in the community facilities or outdoor sports or indoor sports categories that were within two years of the date by which they need to be used or contractually committed may be de-allocated from a project which was unlikely to deliver on time, so that they could be re-allocated to another relevant project (related to where the S106 contributions were from) which could make timely use of this funding (see paragraphs 6.1-6.3 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, Sport & Recreation Manager.

In response to Councillors query about the progress of the East Barnwell Community Centre project, the Urban Growth Project Manager said the project had changed since the initial bid in 2013. Officers wanted to keep the funding alive. Recommendation (iii) was just a prudent approach.

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.

23/24/EnC Micro-Mobility Management

The Officer's report responded to the motion on two-wheeled electric vehicle use considered at the Council's Annual General Meeting held on 25 May, and updates on the multi-stakeholder work continuing to improve on difficulties experienced.

Decision of Executive Councillor for Community Wealth Building and Community Safety

- i. Noted the work undertaken thus far on this topic.
- ii. Supported further engagement work with stakeholders.

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 Engineering & Project Delivery Team Leader. He updated details in the report:

- i. New legislation may be coming forward from the Department for Transport with a new vehicle category that may include mobility vehicles. No time commitment was given for doing this.
- ii. Signs were being trialled from early October in Midsummer Common to improve the behaviour of electric scooter and moped users. Its impact would be monitored.

Councillor Levien spoke as the mover of the motion at Council:

- i. At the May 2023 Council Annual Meeting a motion regarding E vehicles called for action to be taken by a number of bodies. This included a letter from the council chief executive to be sent to the relevant minister. This motion was passed unanimously.
- ii. Since then, he had studied reports from other councils on the same subject.
- iii. He noticed that all the reports consider an existing, licensed scheme, for example the Voi scheme under trial by the Combined Authority. These bikes were already identifiable with a registration plate and because of a

commercial contract the riders were identifiable. These weren't a large problem.

- iv. In his view these licensed schemes were too limiting.
- v. Was concerned about privately owned E mopeds. These were the heavy and fast vehicles which had all the access rights of a pedal bike but the attributes of a light motorbike.
- vi. These were becoming increasingly available on the private market and increasing in number on the streets.
- vii. Omissions from various reports suggested that because privately owned vehicles were illegal on public roads means that they were not important enough for the City Council to consider because they were committing an offence already and would be taken off the road by the police.
- viii. Sales of these were increasing, they were used on the public streets, and they were not apprehended. Asked the local police to properly enforce the law regarding these being used in public areas.
- ix. Injuries and even fatalities were inevitable with these vehicles. After an accident, provided it was not severely damaged, the rider could ride off and disappear unidentified.
- x. Believed there was a need to sharpen the motion to prevent this worrying, situation becoming increasingly common.
- xi. Believed a new category of vehicle needs to be defined:
 - a. Electrically powered two wheeled vehicles which were capable of 15 mph or greater without rider input, on the level, with no wind etc.
- xii. Asked trading standards to ensure that the points of sale of privately owned E vehicles were inspected and checked to ensure that purchasers were fully aware of the legal limitations of use.
- xiii. We should call for a national registration scheme for these to be clearly identifiable, registered, and their keepers registered. All in a similar way to normal road vehicles.
- xiv. Would the Executive Councillor support this and write to the relevant minister with the above request including a response within one year?

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

- i. Sought reassurance the motion would not let people avoid speeding fines and that owners would be required to use electric scooters and mopeds responsibly.
- ii. Suggested rider be educated not to speed once they have electric scooter and moped eg providing Highway Code type information.

The Executive Councillor said the following in response to Members' questions:

- i. A letter would be sent by the Chief Executive reflecting discussion details from Committee today.
- ii. The City Council had limited powers to take action against electric scooter and moped riders.
- iii. Signage on Midsummer Common was on trial to see if it was clear and effective. Feedback was welcome.
- iv. The council motion would not encourage people to speed. There were grey areas in the legislation that some (delivery driver) companies encouraged employees to use when issuing electric scooters and mopeds.

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

- i. The Officer's report set out how the City Council and partners could work together to address anti-social behaviour by electric scooters and mopeds.
- ii. Re-iterated signage on Midsummer Common was on trial to see if it was clear and effective. Feedback was welcome.

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.

The meeting ended at 8.30 pm

CHAIR

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