

BRISTOL CITY COUNCIL

Neighbourhoods Scrutiny Commission

22nd September 2014

Report of: Service Director, Policy Strategy and Communications

Title: Inquiry Day Planning

Ward: Citywide

Officer Presenting Report: Romaine de Fonseca, Policy Advisor
(Scrutiny)

Contact Telephone Number: 0117 922 2770

RECOMMENDATION

That the Commission approve scoping proposals for the following Scrutiny Inquiry Days:

- How do we keep our parks and green spaces safe for everyone?
- What are the current waste technologies and processes and how can Bristol best utilise them?

The significant issues in the report are:

Scoping proposals attached at Appendices A and B.

Policy and Context

1. The Full Council meeting on 10th June approved the revised Overview and Scrutiny structure for 2014/15. An integral part of the new structure is the creation of a universal work programme which covers all scrutiny functions for the coming year. This work programme was devised and agreed at by Members and Strategic Directors at a workshop session on the 19th June 2014.

2. The work programme includes a number of Inquiry Days, some of which cover the areas of responsibility of more than one Scrutiny Commission.

Consultation

3. Internal

Relevant departmental officers and Strategic Director.
Assistant Mayor (Waste Technologies)

Proposal

4. Members are requested to approve the proposals attached at Appendices A and B.
5. The Inquiry on Waste Technologies and Processes is to be led jointly by the Neighbourhoods Scrutiny Commission and Place Scrutiny Commission.
6. Members are reminded that the planning for the Inquiry Days is in progress, and invitations to attend the Parks and Green Spaces Inquiry Inquiry Day are to be sent out shortly. Invitations to the Waste Technologies Day were sent out on 9th September.

Other Options Considered

None

Risk Assessment

None

Public Sector Equality Duties

- 7a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
 - i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.

- ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
- remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
- tackle prejudice; and
 - promote understanding.

7b) There are no proposals in this report which require a statement as to the relevance of public sector equality duties or an Equality Impact Assessment.

Legal and Resource Implications

None

Appendices:

Appendix A – Scrutiny Inquiry Day proposal - What are the current waste technologies and processes and how can Bristol best utilise them?

Appendix B – Scrutiny Inquiry Day proposal– How do we keep our parks and green spaces safe for everyone?

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None



In-depth reviews

Title

Scrutiny Inquiry Day - What are the current waste technologies and processes and how can Bristol best utilise these?

1 Reasons for undertaking the review

Main reasons for Undertaking the Piece of work

This Scrutiny Inquiry Day arose from councillors' concern that the Council should be able to effectively respond to emerging waste issues, including the utilisation of new technologies where appropriate.

The Inquiry Day will therefore seek to understand and evaluate different and new waste disposal processes and technologies.

It is also important that new opportunities arising from the establishment of the Council's new energy company are fully explored.

The Inquiry will be run by Neighbourhoods Scrutiny Committee and Place Scrutiny Commission will be invited to participate.

The nature of the day is exploratory and the scrutiny objective will be to lay groundwork and influence the Council's future direction of travel rather than to make specific service recommendations at this stage.

Key question that the Inquiry is seeking to answer

Key questions

What are the current and emerging waste technologies and processes?

How might the Council best utilise these?

Can the Council's new energy company play a role in the disposal of Bristol's waste?

Intended
outcomes

That councillors can help formulate a steer on the future direction of travel for future BCC waste strategy by:

Developing a clearer understanding of new and emerging waste technologies and processes.

“Busting the myths” around waste and its disposal.

Reaching a common understanding of the concept of “economic balance”.

Exploring options for Bristol’s new energy company to play a role in waste disposal.

2. Member Involvement

Members involved

Members of Neighbourhoods Scrutiny Commission:

- Councillor Jeff Lovell
- Councillor Wayne Harvey
- Councillor Estella Tincknell
- Councillor Afzal Shah
- Councillor Fi Hance
- Councillor Barbara Janke
- Councillor Rhian Greaves
- Councillor Matt Melias
- Councillor Michael Frost
- Councillor Martin Fodor

Members of Place Scrutiny Commission:

- Councillor Christian Martin
- Councillor Claire Hiscott
- Councillor Anthony Negus
- Councillor Mhairi Threlfall
- Councillor Mahmadur Khan
- Councillor Chris Jackson
- Councillor Steve Pearce
- Councillor Chris Windows
- Councillor Charlie Bolton

Key Executive
Member

- Councillor Gus Hoyt, Assistant Mayor for Neighbourhoods
- Glenise Morgan, Cabinet Adviser for Neighbourhoods

Other executive members

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3. Officer Support

Lead Directorate Officers

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| Neighbourhoods Directorate: Alison Comley, Tracey Morgan, Pam Jones |
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Policy Advisor

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| Johanna Holmes - Scrutiny Officer |
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List of possible Internal and External witnesses / contributors and key information required

- | |
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| <ul style="list-style-type: none">• Tracey Morgan, Service Director Environment and Leisure• Bill Edrich, Commercial Director, Energy• Pam Jones, Service Manager, Operations Strategy, Commissioning and Contracts• Terry March, Chartered Institute for Waste Management• Information pack to be sent out in advance for preparatory reading (common practice to do this for Inquiry Days so as to maximise use of available time on the day); this could include:<ul style="list-style-type: none">- a quick reflection on the Waste Strategy advance as preparatory reading- Current performance information to be provided as contextual information.• Would there be value in bringing in a further external perspective eg. from another (high-performing) council or environmental group?<ul style="list-style-type: none">○ WRAP?○ University of Bristol? |
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4 Timeframe

Proposed date

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|-------------------------------|
| 24 th October 2014 |
|-------------------------------|

Decision pathway

Recommendations on Inquiry Day to be agreed and “adopted” by Neighbourhoods Scrutiny Committee /OSM Board (date?)

Recommendations will then be made to the Executive (Mayor/Cabinet), (date)

Depending on the nature of the recs, these may also need to go to FC (date?)

Question: *Do the recommendations need to go to SLT? If so, at what stage (date?)*

5. Costs

Specific costs Identified

Lunch/refreshments

Expenses of guest speaker

Printing costs

Agreed/sponsored by Strategic Director/Service Director (including any comments)

Date.....



Bristol Scrutiny 2014/15

Appendix B

In-depth reviews

Title

How do we keep our parks and green spaces safe for everyone?

Scrutiny Inquiry Day, Monday 17th November 2014

1 Reasons for undertaking the review

Main reasons for Undertaking the Piece of work

The proposal for this Scrutiny Inquiry Day arose from the recommendation of the former Neighbourhoods and Communities Scrutiny Commission at its meeting on 10th April 2014 that a scrutiny inquiry should be held to allow detailed consideration of the proposed byelaws and how to tackle nuisance and anti-social behaviour in parks and green spaces, including re-engagement with key stakeholders.

Prior to this, proposals for byelaws had been scheduled for discussion at the Full Council meeting of 18th March 2014. However the report was withdrawn because of concerns over a small number of specific byelaws and the possible “banning” of some positive activities in parks that were considered to warrant further consideration. Subsequently, a report was brought to the Scrutiny Commission on 10th April, where the recommendation was made that a scrutiny inquiry day be held.

The Inquiry will be hosted by the Neighbourhoods Scrutiny Commission.

Background

Avon and Somerset Constabulary approached the Council in 2012 asking the byelaws be developed so that nuisance behaviours could be more effectively tackled. Officers from the council and partners agencies had been looking at how to tackle issues raised by local residents and parks users regarding anti-social behaviours in a number of parks and green spaces. The police had confirmed that they could not take effective enforcement action in many cases, due to the lack of comprehensive byelaws. Byelaws can only be introduced if there is evidence to show that the issues covered pose a significant problem and are not able to be resolved using existing powers.

Public consultation was carried out between 7th June and 13th September 2013. There were 967 responses, of which 78% agreed that byelaws would be useful. However, concerns were raised about a number of the stated byelaws – particularly those covering climbing trees, lighting fires, ball games, skating/skateboarding, and children over the age of 14 in play areas. Questions were asked as to how the byelaws would be enforced, and the principles of the Council’s Enforcement Policy.

An additional factor is that the new Anti-Social Behaviour, Policing and Crime Act 2014 introduces a number of anti-social behaviour provisions, which will take effect towards the end of 2014. For example, the Act gives councils powers to make Public Spaces Protection Orders (PSBOs). PSBOs are not permanent and can last for no more than three years (although they can be extended and further extended for three years at a time where there are grounds to do so). A PSBO would be specific to a particular public space, and would be flexible in terms of the particular issues identified regarding that space.

It may be that in some cases the new powers within the Act will be considered to be a more suitable way of preventing nuisance and anti-social behaviour than the use of byelaws (although the two can be used simultaneously).

Key question that the Inquiry is seeking to answer

How should we tackle nuisance and anti-social behaviour in parks and green spaces?

What are the main issues we need to tackle?

What are the most effective approaches to deal with these issues?

Main objectives of investigation for the review

To explore and debate the mechanisms available to the Council and the police to deal with nuisance and anti-social behaviour in parks and green spaces

To assess the respective advantages and disadvantages of these

To explore how best to influence behaviours

Implementation

How will the police deploy PCSOs to best effect to tackle nuisance and ASB in parks and green spaces

Intended outcomes

- A review of the different mechanisms available to address nuisance and anti-social behaviour in parks and green spaces.
- Identification of the advantages and disadvantages of different approaches
- Recommendation of a preferred approach for addressing nuisance and ASB in parks and green spaces.

2. Member Involvement

Members involved

Members of Neighbourhoods Scrutiny Commission:

- Councillor Jeff Lovell
- Councillor Wayne Harvey
- Councillor Estella Tincknell
- Councillor Afzal Shah
- Councillor Fi Hance
- Councillor Barbara Janke
- Councillor Rhian Greaves
- Councillor Matt Melias
- Councillor Michael Frost
- Councillor Martin Fodor

And invitation to be extended to all councillors

Key Executive Member

Key Executive Member(s)

- Councillor Gus Hoyt, Assistant Mayor for Neighbourhoods
- Glenise Morgan, Cabinet Adviser for Neighbourhoods
- Mayor

Other executive members

3. Officer Support

Lead Directorate Officers

Lead officer: Gillian Douglas

Project Sponsor: Alison Comley

Policy Advisor

Romayne de Fonseca

List of possible Internal and External witnesses /contributors and key information required

- Richard Fletcher, Area Manager, Parks and Caretaking
- Avon and Somerset Constabulary – Stephen Davey and Mike Prior
- External witness (speaker): Leeds City Council - Simon Frostdick
- Shahzia Daya, Service Manager and Deputy Monitoring Officer, Legal Services
- Stuart Pattison, Crime Reduction Manager, Safer Bristol
- Parks Forum – (invite as participants)
- Youth reps (Youth Council/ Youth Mayors) (invite as participants)
- Equalities Forums (Disability, Women’s Voice, LGBT, Older People) (invite as participants)
- Information pack to be sent out in advance for preparatory reading (to maximise use of time on the day), potentially to include:
 - the proposed byelaws (including an explanation of what a byelaw is and how these were developed)
 - outcomes of the 2013 public consultation about byelaws
 - details of the mechanisms to address ASB under the new Act
 - Council’s Enforcement Policy
 - list of parks etc which were originally proposed to be covered by byelaws(?)

4 Timeframe

Proposed date

Monday 17th November 2014 – Timings to be confirmed but will be approx. 9am arrival to early/mid afternoon finish

Decision pathway

Recommendations to go to SLT.

Recommendations on Inquiry Day to be agreed and “adopted” by Neighbourhoods Scrutiny Committee /OSM Board (date)

Recommendations will then be made to the Executive (Mayor/Cabinet), (date)

Depending on the nature of the recs, these may also need to go to Full Council (date)

5. Costs

Specific costs Identified

Room hire and lunch/refreshments

Expenses of guest speaker(s)

Printing costs

Agreed/sponsored by Strategic Director/Service Director (including any comments)

Date.....