

## Council

26 March 2018

### Member Questions (5)

<b>1.</b>	<b>Question from Councillor Wilkinson to Cabinet Member Development and Safety, Councillor McKinlay</b>
	Residents have reported that agency employed staff at Cheltenham Racecourse were being asked to work very long shifts and not offered suitable breaks during the recent Festival. Could the appropriate Cabinet Member confirm whether a 12-hour shift without breaks breaches any employment, licensing or other regulations that the council is responsible for monitoring? If so, what enforcement action can the council take?
	<b>Response from Cabinet Member</b>
	<p>The Working Time Regulations 1998 state provision for rest breaks at work and time off. They are not enforced by local authorities but an aggrieved employee can seek help from ACAS (Advisory, Conciliation, &amp; Arbitration Service) if they are not satisfied with the response from their employer:  <a href="http://www.acas.org.uk/index.aspx?articleid=4489">http://www.acas.org.uk/index.aspx?articleid=4489</a>.</p> <p>The Health &amp; Safety Executive summarises the position with regard work breaks:  <a href="http://www.hse.gov.uk/contact/faqs/workingtime.htm">http://www.hse.gov.uk/contact/faqs/workingtime.htm</a></p>
<b>2.</b>	<b>Question from Councillor Willingham to the Leader, Councillor Jordan</b>
	Would the Leader of the Council join me in thanking the hard working Council Officers in our Licensing team, and the Licensing Officers from neighbouring authorities and the Police, who worked very hard to try to keep the people of Cheltenham, and the visitors to our town, safe during race week?
	<b>Response from Cabinet Member</b>
	Race week is very important to Cheltenham and the surrounding area both in terms of the boost to the economy and the chance it gives for local residents to enjoy a world class sporting event on our own doorstep. Running the event and in particular keeping people safe during it is a massive team effort and I would thank all those involved. This is a good example of partnership working between the local authorities and I thank them for their support.
<b>3.</b>	<b>Question from Councillor Willingham to the Leader, Councillor Jordan</b>
	Would the Leader of the Council also join me in thanking the other agencies and volunteer organisations, including the Police, the NHS and ambulance service, the street pastors, the guardians, the student community patrol, the taxi marshals, and cleansing staff from Ubico all of whom have worked antisocial hours to try to keep people safe during race week?
	<b>Response from Cabinet Member</b>
	As mentioned in the answer to qu3 I would join in thanking all those involved and particularly given the antisocial hours required.
<b>4.</b>	<b>Question from Councillor Baker to Cabinet Member Development and Safety, Councillor McKinlay</b>
	In the absence of any Government legislation to control or ban the use of single use plastic such as take away packaging, and the unlikelihood of any such

	legislation appearing in my life time, is there anything we can do as a Borough Council locally such as introducing new By-laws or planning conditions ?
	<b>Response from Cabinet Member</b>
	<p>Whilst Cllr Baker's sentiment is entirely understood, planning conditions have to meet strict tests if they are to be applied to new development. Conditions must be: necessary, enforceable, precise, relevant to planning, relevant to the development to be permitted, and reasonable in all other respects.</p> <p>In terms of necessity, the question that should be asked is whether or not planning permission would be refused if the condition was not attached. This would be a very difficult test to pass.</p> <p>Government advice also states that conditions should not be used to remedy a pre-existing problem or issue not created by the proposed development. Given that conditions have to be relevant to planning, government advice also states that conditions should not be used where specific controls outside of planning legislation provide alternative means of managing certain matters – in this instance, single use plastic.</p> <p>The above does not mean that single use plastic is not recognised as an ongoing concern, merely that the planning system is not the place to remedy the issue.</p>
<b>5.</b>	<b>Question from Councillor Baker to Cabinet Member Corporate Services, Councillor Whyborn</b>
	<p>I note with concern that 1) 300 million tonnes of new plastic is made each year, half of which is for single use, such as packaging for convenience foods. In many cases, such as plastic straws, takeaway food containers and coffee cups, there are practical alternatives available that are either reusable or sustainable, and 2) that plastic in a marine environment leads to coastal / offshore dead zones, entanglement, death through ingestion, toxic transfer and, once degraded into micro plastics, contamination of the food chain – including our own. We are quite literally eating the plastic that has ended up in our seas. 3) More positively, I note the success of the plastic bag tax in reducing use of single use plastic bags by 85%.</p> <p>Can the Cabinet Member responsible for procurement, advise whether the council therefore has any plans to:</p> <ol style="list-style-type: none"> <li>1. becoming a single use plastic free council by phasing out the use of single use plastic products such as bottles, cups, cutlery and drinking straws in council activities, where it is reasonable to do so, replacing them with sustainable or reusable alternatives where practicable and</li> <li>2. further consider the environmental effects of not only the product, but also the packaging, in future procurement decisions in such a way as to encourage re-usable and recyclable packaging, and</li> <li>3. encourage similar policies by bodies who carry out services on behalf of CBC as well as the wider community in Cheltenham</li> </ol>
	<b>Response from Cabinet Member</b>
	Since December 2017, the officers began to purchase wooden stirrers instead of plastic stirrers and to purchase paper cups rather than the Polyethylene PE coated cups for the member's room.

	<p>Plastic water cups are only made available at the water machines in the committee suite which are collected for recycling. Elsewhere throughout the building staff are expected to use their own drinking receptacles.</p> <p>The general use of the vending machine is low and officers are currently in dialogue with the supplier to explore options for the machine including alternatives to the use of plastic cups.</p> <p>As far as procurement is concerned, in terms of construction activity, the Waste Management (England and Wales) Regulations 2006 are already in place and are captured as a requirement under the standard contract forms Prelims the council use for capital and maintenance work.</p> <p>The Crown Commercial Services standard questionnaire that the council is required to publish with all Invitation to Tender documents does not currently address the use of plastic. Officers anticipate that this will change in due course and therefore it will be something the Supply Chain as a whole will need to work at going forward. In the meantime the council can consider the use of plastic on a case by case basis when preparing our own evaluation criteria for ITT's.</p> <p>Both Officers and Members will endeavour to encourage our partner organisations to choose alternatives to plastics where it is practical to do so.</p>
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