

## **Communities and Equalities Scrutiny Committee**

### **Minutes of the meeting held on 20 June 2019**

#### **Present:**

Councillor Hacking - In the Chair

Councillors Andrews, Chambers, Collins, M Dar, Doswell, Douglas, Evans, Grimshaw, Kirkpatrick, Rawson and Rowles

Councillor S Murphy, Statutory Deputy Leader

Councillor Rahman, Executive Member for Skills, Culture and Leisure

Councillor Leech, Leader of the Opposition

Councillor Rawlins, Lead Member for Disability

Councillor Davies, Ward Councillor for Deansgate

Eabha Doherty, Sister Supporter Manchester

Brian Hilton, Greater Manchester Coalition of Disabled People

Mark Todd, Peterloo Memorial campaign group

#### **CESC/19/20            Minutes**

#### **Decision**

To approve the minutes of the meeting held on 7 March 2019 as a correct record.

#### **CESC/19/21            Petition for Debate - Add Public Space Protection Orders around all abortion-providing clinics to end harassment of service users and staff**

The Committee considered the report of the Governance and Scrutiny Support Unit which provided details of a petition to add Public Space Protection Orders (PSPOs) around all abortion-providing clinics. The report also outlined the procedure for the Committee to debate the petition in accordance with the Council's Petitions Scheme.

The Committee welcomed Eabha Doherty from Sister Supporter Manchester who outlined the reasons for submitting the petition. She reported that so far two other local authorities – Ealing Council and Richmond Council – had introduced PSPOs around abortion-providing clinics in their areas. She emphasised that women should be able to access health care facilities to which they were legally entitled without harassment or intimidation and while retaining their anonymity. She informed Members that her organisation had been collecting evidence of harassment of service users and staff around the Marie Stopes Clinic in Fallowfield for 18 months and that the Marie Stopes Clinic had also gathered evidence. She outlined some of the tactics used by the protesters, including carrying placards showing graphic images, approaching and filming women trying to access the clinic and spreading unfounded claims about the health effects of having an abortion. She advised that, as well as having a traumatic effect on women using the clinic, this behaviour also impacted on local residents who had been living with this problem for many years. She reported that the women harassed often did not report the harassment to the police, due to feelings of shame, and stated that the protesters were targeting

vulnerable women with the aim of stopping them from going ahead with their own choice.

The Strategic Director (Neighbourhoods) was then invited to respond to the issues raised. She outlined the purpose of PSPOs and the Home Office guidance, highlighting that they had to be used responsibly and proportionately. She acknowledged the issues that Ms Doherty had raised and reported that mediation had been tried to resolve this issue but that this had not been successful. She reported that the Council now had significant evidence of the issues around abortion-providing clinics, including evidence provided by the petition organisers. She outlined the steps involved in making PSPOs, informing Members that officers were engaging with the Council's Legal Service with a view to undertaking a consultation on this issue.

The Statutory Deputy Leader expressed her support for women to be able to access health care to which they were legally entitled without fear of harassment. She drew Members' attention to the motion that the Council had passed in January 2018 which, she advised, demonstrated the Council's support for this; however, she reported that there were some challenges relating to the implementation of PSPOs around clinics. She reported that the Council was committed to addressing these challenges and outlined what the Council had done so far, including speaking to groups on both sides, as well as local residents and clinic staff. She informed Members that the Council was in contact with Ealing Council, which had already introduced buffer zones around abortion-providing clinics in its area and which was now facing a legal challenge. She reported that this would be considered by the Court of Appeal in about a month's time and that the outcome would have implications for the course of action that Manchester City Council would take. She reported that evidence was being gathered and legal advice was being sought and that, in the meantime, the Council was liaising with the police to ensure that, where the behaviour of protesters breached existing laws, action was taken now. She also suggested that Members should be campaigning to extend the right to attend abortion-providing clinics without harassment to all women across the United Kingdom.

Some of the key points that arose from the Committee's discussions were:

- Expressions of support for the right of women to access medical care without harassment and for necessary steps to be taken to ensure this;
- That Members wanted this work to progress as quickly as possible, while ensuring that it was legally sound, and to request that the Committee be updated on progress and any issues that arose so that this could be scrutinised;
- To suggest Members could visit the location of the Marie Stopes Clinic to see the issues for themselves;
- To ask what evidence was needed to make a PSPO;
- How a PSPO would be enforced; and
- Whether PSPOs were in place for a particular period of time.

The Community Safety Lead reported that evidence would be required of behaviour which was having or was likely to have a detrimental effect on the quality of life of those in the locality, that it was persistent or continuing in nature and that it was

unreasonable. She informed Members that PSPOs could be enforced by police officers, police community support officers or council officers. She advised the Committee that PSPOs could be put in place for up to 3 years and would then be reviewed and extended if necessary.

## **Decisions**

1. To support the petition and to ask the decision-maker to work with the petition organisers and others to progress this within a reasonable timescale.
2. To receive a progress report at a future meeting.
3. To express the Committee's support for the campaign to extend the right to attend abortion-providing clinics without harassment to all women across the United Kingdom.

[Councillor Evans and Councillor Grimshaw declared a prejudicial interest as Members of the Licensing and Appeals Committee and withdrew from the room for this item.]

## **CESC/19/22                  Peterloo Memorial Design**

The Committee received a report of the Director of Strategic Development which provided an overview of the design process and the work undertaken as part of the design of the Peterloo Memorial.

The main points and themes within the report included:

- The inception of the project;
- The design formation; and
- The current position.

The Lead Member for Disability commented that the Our Manchester Strategy Outcomes at the front of the report did not mention equalities and suggested that the Committee might want to give consideration to how equalities could be incorporated into this. She informed Members that she supported the creation of a memorial to the Peterloo Massacre but that it had to be for everyone. She advised Members that this issue should have been identified and addressed earlier in the process and that it was not acceptable for non-disabled people to decide that a ramp which enabled partial access to the memorial enabled 'meaningful participation' for wheelchair users. She expressed concern that the process through which the memorial had been developed had failed to ensure accessibility and called for a review of the Council's processes, as well as training for Members and officers, to ensure that the issue of accessibility was central in future work. She questioned why there was no reference to the social model of disability in the documents and whether an equality impact assessment had been carried out. She also questioned whether there was any ongoing dialogue taking place between the Council and disabled people's groups and advised that it was important for this to happen. She emphasised the importance of pro-actively consulting with the public, including disabled people's

groups, rather than putting a consultation on the Council's website and assuming that was sufficient.

Brian Hilton from the Greater Manchester Coalition of Disabled People (GMCDP) reported that his organisation supported the creation of a fitting memorial to the Peterloo Massacre but that a fitting memorial could not involve the segregation, discrimination and humiliation of disabled people. He stated that the consultation had been flawed and that the consultation period had not been long enough. He reported that the campaign to make the memorial fully accessible had been widely supported, including by local, national and international disabled people's organisations, by the group which had campaigned to have the memorial built and by a number of high profile individuals including the singer-songwriter and political activist Billy Bragg. He commented that the Peterloo Memorial had been described as a memorial that people could interact with in a number of ways, including viewing it, climbing on it and speaking from it, but that disabled people could not do this and that, in its current design, the memorial was a metaphor for segregation, with disabled people at the bottom being talked down to. He advised Members that what was important was not completing the memorial in its current form by the 200<sup>th</sup> anniversary of the Peterloo Massacre but getting it right by ensuring that it was accessible for all.

Mark Todd informed Members that he was representing a grassroots campaign group which included disabled people, their organisations and non-disabled people who wanted an accessible, inclusive memorial. He referred to documents which, he informed the Committee, indicated that the memorial was not just public art but an interactive memorial which people could speak from and expressed concern that the current design made disabled people passive spectators rather than active participants. He informed Members that the changes agreed so far to make the memorial more accessible would only raise wheelchair users seven inches off the ground and did not provide them with access to a speaking platform. He reported that campaigners had been working with the artist to improve the accessibility of the memorial design and that he believed a solution could be found; however, he advised Members that on 14 May 2019 the Council had halted these discussions, citing time constraints. He questioned this, stating that the timescales were all decided by the Council and that the memorial was not intended to play a major role in the 200<sup>th</sup> anniversary commemorations. He reported that his group would be happy to contribute their views on how consultation processes could be improved in future but that their priority now was the memorial. He informed Members that the artist and the campaigners were still willing to work together to resolve this and asked that the Council join them in finding a solution.

The Executive Member for Skills, Culture and Leisure reported that the Council took pride in being inclusive and in its commitment to equality but that this had failed during this process. He reported that the Peterloo Memorial had originally been commissioned as a public art installation but acknowledged that later changes to make the design interactive had not been fully inclusive. He proposed to revert to the original brief that this would be a piece of public art which was not to be climbed on by anybody and that signs be put up to this effect.

The Leader of the Opposition supported the comments of the Lead Member for Disability and thanked Mr Hilton and Mr Todd for their contribution to the discussion. He expressed concern that, despite the multi-staged process that the proposal had been through before going to the Planning Committee, the lack of accessibility was only identified at that stage and advised that processes should be reviewed to address this. He advised Members that the memorial should be fully accessible to all, including people with different types of wheelchairs and mobility scooters. He stated that he did not believe that the Executive Member's proposal was acceptable and recommended that the relevant parties meet to find a way to make the memorial accessible to all.

The Ward Councillor for Deansgate reported that there had been a long-term commitment to building this memorial. She reported that during the consultation period councillors had raised the issue of access and had been assured that this issue would be addressed. She stated that she did not believe that the Executive Member's proposal was a workable solution and suggested that the work go ahead as planned in time for the commemorations with a clear statement from the Council which acknowledged the mistakes that had been made and gave a commitment to make appropriate changes.

Some of the key points that arose from the Committee's discussions were:

- To question whether a meaningful consultation had taken place;
- To question the proposal that the memorial be re-designated as a non-interactive piece of public art as the artist had said that people would get the most out of it from the top of the memorial and members of the public were still likely to climb it due to having been told previously that it was interactive;
- That the Equality Act referred to people with a protected characteristic being encouraged to participate in public life on the same level as people who didn't possess that protected characteristic and that preventing everyone from using the memorial as a speaking platform was not in keeping with this and was contrary to the message of Peterloo; and
- That this situation should be rectified in consultation with and using the expertise of disabled people's groups and that the Executive Member should meet with Mr Hilton, Mr Todd and the Lead Member for Disability as soon as possible to discuss options.

The Executive Member for Skills, Culture and Leisure informed Members that the unveiling of the Peterloo Memorial would be part of the 200<sup>th</sup> anniversary celebrations but that the original intention of the memorial had not included it being a speaking platform and that all elements of the memorial could be seen from the lower level. He reiterated his proposal to revert to the original brief for the memorial, that it was not intended to be stood on and that people should be discouraged from doing so. He stated that he was trying to find a practical solution and that it was difficult to adapt it to the degree that the campaigners wanted.

The Development Manager outlined the consultation process, stating that 14% of respondents had raised issues relating to accessibility but that this included a range of accessibility issues, such as access during party political conferences, in addition to disabled access. In response to a question from the Lead Member for Disability,

he reported that disabled people's groups had not been pro-actively engaged with during the consultation process. He advised Members that, following the consultation period, Mr Todd had raised concerns about accessibility and that a meeting had been arranged with him, the Council and the artist but he acknowledged that it had taken too long for that meeting to take place.

## **Decisions**

1. To express concern that the Council's processes had failed to identify and address the accessibility issues at an early stage, to ask the Lead Member for Disability to liaise with the Executive Member for Skills, Culture and Leisure and other relevant Members on the best way to review the processes to ensure that this does not happen in future and to request that the Committee be updated on the progress of this work.
2. To request that the Executive Member for Skills, Culture and Leisure and relevant officers meet with all the relevant parties, including the Lead Member for Disability and representatives of disabled people's groups, to find an acceptable solution.

## **CESC/19/23            Overview Report**

A report of the Governance and Scrutiny Support Unit was submitted. The overview report contained a list of key decisions yet to be taken within the Committee's remit, responses to previous recommendations and the Committee's work programme, which the Committee was asked to approve.

The Chair requested that the Committee receive an update report on the Peterloo Memorial at its September meeting and that it review progress on PSPOs around abortion-providing clinics in six months' time. He informed the Committee that the proposed Terms of Reference for the Advice Services Review would also come to a future meeting.

## **Decision**

To note the report and agree the work programme, subject to the above amendments.