

Questions submitted on Notice for the Ordinary Meeting of the Council – Thursday, 18 July 2024

Item No. 6 (a) - Questions submitted on Notice from Members of the Public			
Question No.	Questioner	Respondent	Question
1.	Leigh TAYLOR	Councillor HARKER	<p>“Cllr Harker, you recently confirmed the council is finally working on addressing its inconsistent and incoherent toilet provision – ‘...initially this will be a review of policy and best practice, over the next few weeks. This will then be followed by public engagement in September.’ As this followed Sir Keir Starmer’s recent response to “Do biological males with gender recognition certificates have the right to enter women-only spaces? It’s a simple yes/no question.”, with, “No. They don’t have that right. They shouldn’t. That’s why I’ve always said biological women’s spaces need to be protected.” it seems to indicate the Labour party now realises that warnings of unintended consequences of men transgressing women’s boundaries were not bigoted, far right or hyperbole.</p> <p>The reasoning for the provision of separate sex toilets is well established; based on hygiene, privacy, dignity, fairness, inclusion, security, and deterrence of anti-social behaviour and crime. It’s become overly complicated in recent years due to ambiguous language and misleading guidance about what the law says. But there’s a simple solution - clear guidance, policies and signage about which toilets are single sex, and where there is a unisex option, lets everyone use the facilities in privacy and certainty.</p> <p>Of all the reasons, it is especially pertinent that toilets are finally being addressed because when residents responded to the draft council plan, they repeatedly prioritised the council addressing safety, anti-social behaviour and crime. Unfortunately, some men pose a risk to women but we don’t know which ones will just by looking at them. Moreover, the ONS annual crime survey 2021 notes that almost 1 in 5 incidents of rape and sexual assaults happen in a public place or building hence the blanket policy of excluding males from female spaces on a safeguarding basis. Because as a council you aren't recording incidents of sexual offending [Sexual offences range from voyeurism, indecent exposure, masturbation and harassment to sexual violence - assault and rape] on the council estate it's necessary to look at MoJ data to understand why, in 2024, being</p>

			<p>female is still almost synonymous with being assaulted & raped. Far from equality being achieved in the 14 years since the Equality Act 2010, we are still vulnerable on the basis of our sex: 99% of sentenced sex offenders are men; 88% of those sexually offended against are female. Being granted a Gender Recognition Certificate (GRC) isn't subject to a risk assessment and as MoJ data shows male patterning offending doesn't appear to be reduced by 'identifying as trans'. Of the England and Wales prison population, 16% of males are sex offenders; 5% of females are sex offenders; 60% of men who 'identify as women' are sex offenders. Men may say they identify as women; they may even hold the legal fiction of 'changing sex' but...</p> <p>Cllr Harker, as the council carries out 'the work', and to ensure its comparison with best practice, will it:</p> <p>A. explain in full all the toilet provision it's responsible for and those it leases (eg the indoor market) so all users are aware of the range of provision, the signage and its actual meaning eg Crown Street Library's female provision is a "ladies" toilets sign which somehow supposedly informs users that it is for those born female AND men who have acquired the 'legal sex of female' (by a GRC) but NOT men who don't hold a GRC or those who only have the Protected Characteristic of Gender Reassignment</p> <p>B. detail how any current toilet provision which is effectively operating mixed sex toilets, provides female users with hygiene, dignity, privacy and safety from harassment, flashing, voyeurism, filming and hidden cameras, being the stimuli for masturbation, or assault and rape</p> <p>C. clarify the rationale for some toilet provision not using the separate sex exceptions for single sex designations without ambiguity, as the separate sex exceptions in the Equality Act apply at the level of a service or a rule. They do not require a case-by-case assessment for each individual and the holding of a GRC doesn't allow the use of opposite sex facilities.</p> <p>D. as the new council plan states one of the approaches is to be 'data driven and intelligence led', will it provide comprehensive data on the effect of current policy and provision?"</p>
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<p>2.</p>	<p>Michael WALKER</p>	<p>Councillor HARKER</p>	<p>“I am sure you are aware of the situation facing several nurses at the Darlington Memorial Hospital. The policy at the County Durham and Darlington Foundation Trust (CDDFT) permits any staff member to identify as the opposite gender and to access single-sex changing rooms, toilets or showers on that basis. This policy has understandably left many biological female staff members experiencing panic attacks and feeling anxious about their safety, especially after a biological, sexually active male has started using the facilities. I understand the nurses have launched a legal challenge against the Trust, as failing to provide female staff with changing facilities separate from male staff can constitute a form of ‘indirect discrimination’ against women under the Equality Act. Please can you tell me if the Council policy on using changing rooms, toilets or showers is the same as the CDDFT’s - anybody can use whichever facilities they wish or are male spaces only for biological males, and female spaces only for biological females?”</p>
<p>3.</p>	<p>Leanne CARROLL</p>	<p>Councillor McEWAN</p>	<p>“On page 68 of today’s agenda it says about Skerningham:</p> <p>“Developers have carried out a consultation exercise on the Masterplan for the area. The next part of the process is for the Council to consider whether or not it can agree the Masterplan.”</p> <p>At a TVCA Cabinet meeting in January, it was confirmed that the previous preferred route alignment of the Darlington Northern Link Road (DNLR), Route A north of the Skerne, would be reviewed.</p> <p>In addition, the Tees Valley Mayor told visitors to his Facebook page that the route was between Route A and B again and he posted a map of Routes A and B, which showed Route B going south of the Skerne right through the Skerningham allocation. This map was also posted by my Whinfield councillors and the former MP, Peter Gibson.</p> <p>All references to the DNLR had to be removed from the Design Code to not conflict with the Local Plan.</p> <p>David Hand has also previously said in a public meeting that the Skerningham distributor road is the internal road and not the DNLR and that the two roads are “totally, totally different”.</p>

			<p>Until residents know that this distributor road mentioned in the Local Plan, Design Code and Masterplan won't morph into the DNLR, I would hope moves to look at whether or not to agree the Masterplan are delayed.</p> <p>Will the decision to consider whether or not to agree the Masterplan therefore need to wait until the route of the DNLR has been finalised and when do you expect this to be?"</p>
4	Alex SWAINSTON	Councillor McEWAN	<p>"Under a new Labour Gov, Mr Reed (now Secretary of State for the Environment, Food and Rural Affairs) pledged to push for criminal sanctions against water company executives who failed to prevent sewage contaminating Britain's waterways.</p> <p>OFWAT is investigating water companies over suspicions of widespread illegal sewage discharges across the network from thousands of treatment plants.</p> <p>Are we going to get similar investigations and proper prosecutions against landfills? Ashcourts in Darlington has been continuing to poison the air and affecting residents physical and mental health with the toxic gas leaks of methane and hydrogen sulphide for nearly a year. Not just affecting Brafferton but Aycliffe Village, Coatham Mundeville, Harrowgate Hill, Faverdale and A1 road users.</p> <p>This is going on elsewhere in the country also and is clearly as big of an issue as sewage.</p> <p>Why are DBC allowing this company to dispose of their waste illegally? We know Ashcourts have breached several licensing laws and should therefore be held to account. I have access to the CAR reports which include the damning sentence...</p> <p>'Landfill gas is not being effectively collected which is continuing to cause odours to have significant impact on the quality of life for the local community.'</p>
5.	Katie WALSH	Councillor McEWAN	<p>"What exactly is going to happen with Aycliffe Landfill and the continued odours? The new government has swept in and said that they will look at taking the water companies to task. Will they be looking for the same type of enforcement with landfills, such as, Aycliffe that continue to</p>

			<p>blight many local communities on a regular basis.</p> <p>Despite the EA's involvement many communities across Darlington and Newton Aycliffe are suffering the awful smells of hydrogen sulphide despite being told repeatedly that these smells will abate.</p> <p>I would appreciate knowing why agencies feel it is acceptable that communities have to live like this for nearly a year?"</p>
6.	Stewart HODGSON	Councillor McEWAN (TBC)	<p>"Why should anyone have to live life breathing in toxic air and a smell that turns your stomach? Clean fresh air should be unlimited and available to all.</p> <p>The waste site has been there a good few years with no problems but since Ashcourt took over they are forcing local residents of Aycliffe Village, Newton Aycliffe, Brafferton and as far Cockerton and Whinfield to suffer.</p> <p>The waste site was operated for many years with no problem all residents affected should not have to suffer to allow Ashcourts to profit."</p>