



OVERVIEW AND SCRUTINY BOARD

12 JANUARY 2010

FINAL REPORT OF THE ENVIRONMENT SCRUTINY PANEL - CLEANSING ARRANGEMENTS

PURPOSE OF THE REPORT

1. To present the Environment Scrutiny Panel's findings, conclusions and recommendations following its investigation of a range of environmental issues under the broad heading of 'cleansing arrangements.'

BACKGROUND/AIMS OF THE SCRUTINY INVESTIGATION

2. The public is increasingly aware of environmental issues, such as the condition of their local area, and the Council's responsibilities. The scrutiny panel sought to investigate a number of areas which impact on the condition of the environment and cleanliness in Middlesbrough; to examine current arrangements and future proposals in respect of service provision; and to determine whether any areas could be identified for improvement.

TERMS OF REFERENCE OF THE SCRUTINY INVESTIGATION

3. The terms of reference of the scrutiny investigation were as follows:
 - a) *To examine cleansing arrangements for back alleys, including inspection and enforcement and assessing the impact of these on improving the condition of problem areas.*
 - b) *To consider specifications/standards for grounds maintenance (including weed control), street cleaning and back alley cleansing and determine whether these require amendment.*
 - c) *To examine links with Vale Contracts in respect of grounds maintenance, particularly how service standards are devised to ensure a consistent approach.*
 - d) *In the light of moves towards a seven day/24 hour economy, to examine existing arrangements for flexible/weekend working in areas such as Area Care.*
 - e) *To assess existing depot arrangements and how these impact on service delivery.*
 - f) *To assess what the Council is doing to educate and change behaviour in relation to littering, fly tipping and general environmental cleanliness.*

4. The scrutiny panel undertook an in-depth investigation and met formally on seven occasions between 9 July and 14 December 2009. In addition, panel members visited Hartlepool and Redcar and Cleveland Borough Councils to gather information from those authorities. Information was also submitted by officers from Stockton Borough Council.
5. A Scrutiny Support Officer from Legal and Democratic Services co-ordinated and arranged the submission of written and oral evidence and arranged witnesses for the review. Meetings administration, including preparation of agenda and minutes, was undertaken by a Governance Officer from Legal and Democratic Services.
6. A detailed record of the topics discussed at Panel meetings, including agenda, minutes and reports, is available from the Council's Committee Management System (COMMIS), which can be accessed via the Council's website at www.middlesbrough.gov.uk.
7. A summary of the methods of investigation is outlined below:
 - (a) Detailed officer presentations and reports, supplemented by oral evidence.
 - (b) Visits to various locations in Middlesbrough to see the condition of back alleys.
 - (c) Discussions with Officers/Members from Hartlepool, Redcar and Cleveland and Stockton Borough Councils.
8. This report has been compiled on the basis of evidence gathered at the scrutiny panel meetings and from the site visits outlined above.

MEMBERSHIP OF THE PANEL

9. The membership of the scrutiny panel was as follows:

Councillors Kerr (Chair); Carter (Vice-Chair), Clark, Davison, C Hobson, Hubbard, Lancaster, McPartland and Michna.

THE PANEL'S FINDINGS

10. The scrutiny panel's findings in respect of each of the terms of reference investigated are set out below.

TERM OF REFERENCE: *"To examine cleansing arrangements for back alleys, including inspection and enforcement and assessing the impact of these on improving the condition of problem areas."*

11. In examining this term of reference the scrutiny panel considered information in respect of:
 - The historical background associated with back alley problems.
 - The Back Alley Improvement Team ('BAIT' Team).
 - Visits to back alleys in Middlesbrough.
 - How neighbouring local authorities have addressed back alley problems.

Historical background

12. The scrutiny panel was aware that back alleys in certain areas of the town have caused significant problems. There have been historical problems regarding the use of the alleys, particularly in areas of transient populations, such as student accommodation. Problems have included general dumping of rubbish and waste, disposal of bulky household items such as mattresses, white goods and furniture, dog fouling and fly tipping. As well as being extremely unsightly, the worst case alleys can cause problems associated with vermin and fire hazard/arson and can severely blight an area.
13. Although current performance indicator information¹ shows that Middlesbrough is cleaner than ever, back alleys remain a problem area and are at times neglected by both residents and businesses. Analysis of waste dumped in the town has shown that small quantities of waste dumped in back alleys are the most common source of complaints.
14. Recognising that action and improvement was needed, the Council has taken some steps to address the issues associated with the worst back alleys. This has included initiatives such as:
 - ‘Complete clean’ - where alleys were targeted for wholesale clean up.
 - ‘Six alleys a day’ - where that number of alleys was targeted for resource-intensive action.
 - Placing additional communal bins in the alleys to reduce levels of dumped waste and to improve waste containment overall.
15. Also, in the spring/summer of 2009, Waste Services and Area Care were integrated into one service management structure. This has allowed re-organisation of back alley cleansing arrangements whereby:
 - Weekly cleaning now takes place the day after refuse collection.
 - All junk jobs and white goods are removed within five working days (in accordance with the service promise applicable to the rest of the town).
 - Alleys are swept.
16. With regard to back alley cleaning taking place the day after refuse collection, the panel heard that this happens on the next working day. There are no refuse collections on a Monday due to four-day working arrangements.

Back Alley Improvement Team (‘BAIT’ Team)

17. In addition, in April 2009 the Council established a ‘Back Alleys Improvement Team,’ known as the BAIT Team, to take action on problems such as waste dumping, arson, graffiti and dog fouling in the worst back alleys. The team is an additional resource which is being used to support the work of Streetscene and Community Protection. This initiative is being funded for a two-year period (to 31 March 2011) from the Working Neighbourhoods Fund.
18. The BAIT Team comprises specialist staff who aim to deal with the problems that blight a minority of back alleys in Middlesbrough. The team has already built on work carried out in the past by the Council’s Environmental Enforcement Team, with its work covering four disciplines:

¹ NI 195 – which measures levels of street cleanliness.

- An environmental enforcement expert.
- A Community Liaison Officer from the Fire Service (as dumped waste can also constitute a source of small fires, requiring fire service action).
- The Council's Going for Green Officer.
- Area Care (street cleansing) staff.

19. A breakdown of the BAIT Team's annual budget was provided as follows:-

Salaries	£60,000
Alley Makeovers (x4)	£20,000
Fire Service	£10,000
Running costs	£10,000
Streetscene	£80,000
TOTAL	£180,000

20. The project aims to encourage local communities to take pride in their alleys while using enforcement powers against those who fail to keep these areas clean. The team works mainly in the alleyways of terraced houses in central Middlesbrough and North Ormesby. The team is also involved in pro-active education to change the culture surrounding back alleys - for example by advising residents that furniture, white goods etc should not just be dumped in a back alley but that the junk jobs collection service should be arranged. The team programmes its own work and carries out regular patrols in problem areas. Team members work closely with Streetscene Area Care Teams, Regeneration staff, housing staff, residents, anti social behaviour staff and environmental health officers.
21. Area Care staff of the BAIT Team provide a rapid response to ensure arson hazards and dumped waste are removed promptly, while the Going For Green Officer has been involved in undertaking 'alley makeovers.' This has involved providing benches, hanging baskets and planters to encourage community involvement. In some cases, alleys have been transformed into pleasant, usable spaces in which residents take pride and are happy to maintain. At August 2009, four alleys have been subject to makeover, at a cost of approximately £5000 per alley. Education and enforcement work accounts for approximately 90% of the BAIT Team's work.
22. Streetscene had carried out a survey of alley cleanliness prior to the establishment of the BAIT Team and found that 79% were unclean and 17% were dirty again six days after being cleaned. A follow up survey is planned at the end of 2009/10 to measure progress.
23. The scrutiny panel acknowledges that a mix of education and enforcement is needed to address problem back alleys. In accordance with the terms of reference of the scrutiny investigation, Members were interested to hear details of enforcement action, particularly whether the Council is pro-active in this area.
24. Members were advised that, in terms of enforcement, the BAIT Team is involved in a number of courses of action, depending on the nature or severity of an offence or problem. This can range from serving a legal notice, which requires compliance, to cautions, fixed penalties and prosecutions. The work and management of the BAIT Team is closely linked to the work of the Council's Enviro-Crime Unit (ECU). This unit comprises six members of staff and a supervisor and is financed from mainstream budgets.

25. The ECU is a complaint-driven team that responds to approximately 2,500 complaints per year. Liaison is undertaken with the BAIT Team to ensure that work is not duplicated.
26. Between April 2007 and summer 2009, the BAIT Team and ECU:
 - Carried out a total of 1348 investigations in respect of reported back alley problems.
 - Served 143 legal notices (mainly relating to domestic or trade waste arrangements).
 - Issued 23 fixed penalty notices.
 - Undertaken 28 prosecutions - including 15 relating to waste in back alleys.
 - Carried out over 150 arson audits - with the fire service reporting a 24% reduction in rubbish fires in back alleys against the same period last year.
27. In examining the issue of back alleys, reference was made to work that is currently being undertaken by the Economic Regeneration and Transport Scrutiny Panel as part of its review of Middlesbrough's Older Housing Areas. An aspect of that panel's work relates to the selective licensing of private landlords.

Visits to back alleys in Middlesbrough

28. Arrangements were made for Panel Members to visit back alley locations in central Middlesbrough and North Ormesby. Members saw examples of problem areas and also some alleys which had received makeovers or had been the subject of general clean ups.
29. Visits were made to a number of back alleys in various locations in Gresham, North Ormesby and Middlehaven, where the scrutiny panel saw first hand the different levels of problems and cleanliness in a number of areas. Issues highlighted by the visits were as follows:
 - a) The worst back alleys have large quantities of indiscriminately dumped trade and household waste.
 - b) Immediately prior to collection day, communal bins can be overflowing - with surplus waste piled up nearby.
 - c) There are particular issues where businesses and residential properties share an alley. Problems can be worsened where this applies.
 - d) Some areas are prone to fly tipping and dumping of bulky items such as furniture and white goods. This is particularly the case in areas with a high percentage of tenanted accommodation and associated transient populations (such as the Gresham, University and Middlehaven wards).
 - e) Overgrown weeds can be an unsightly problem, although this has been addressed in some cases.
 - f) Back alley makeovers, though expensive at £5000 per alley, have yielded excellent results and have successfully engaged residents in caring for their area - in some cases residents have provided additional planters or have undertaken fund raising events in order to secure small-scale improvements to the area.
 - g) There can be issues associated with alley gates being left open - e.g. indiscriminate dumping. The fact that all residents can obtain a key can also lead to issues relating to safeguarding and possible crime.
 - h) Dog fouling can be a problem in gated alleys - residents can regard the alley as a secure 'dog run.'

30. The scrutiny panel also heard information from officers and a member of neighbouring local authorities in respect of how they have addressed problem back alleys. Information obtained from discussions with Hartlepool Borough Council, Redcar and Cleveland Borough Council and Stockton On Tees Borough Council is attached at **Appendix 1**. This shows that problems associated with back alleys are widespread and that difficulties have been encountered by other local authorities in addressing these. The panel heard, however, that Hartlepool in particular has been particularly successful in terms of prosecution levels and numbers of fixed penalties issued.

TERM OF REFERENCE: “To consider specifications/standards for grounds maintenance (including weed control), street cleaning and back alley cleansing and determine whether these require amendment.”

31. The scrutiny panel agreed that it wished to consider the above issues in the context of changing service requirements. It should be noted that the topic of contract specifications also includes arrangements relating to grass cutting and that aspects of this issue are also covered by the following section of the report relating to Vale Contracts’ maintenance of Erimus Housing land in Middlesbrough.
32. The scrutiny panel was advised that specifications for the above activities had evolved on a historical basis during the period of Compulsory Competitive Tendering (CCT) in the late 1980s and the 1990s. A result of CCT, which involved a very prescriptive method of producing contract specifications, evaluating bids received and awarding contracts, was that specifications were very much input based. For example, there were prescribed frequencies for various activities that allowed for easy pricing and evaluation of contract bids.
33. Since the introduction of the concept of Best Value in 2000, services have been encouraged to move towards a more output-based service delivery. This has effectively meant aiming at tailoring services to achieve a desired standard, rather than a more rigid, frequency-based operation.
34. The Council monitors performance in these areas through the national performance and best value indicator regime (namely indicators NI195 and BV199), plus inspections. These not only take account of street cleanliness but also look at the general appearance and maintenance quality in an area. This system has led to a number of changes to the original specifications - including the following examples:
- a) Analysis of inspection results has led to a much more tailored approach to street cleansing activities. Shopping areas, routes to school and play areas all now receive daily attention, where some of these areas were serviced weekly in the past.
 - b) The weed control operation was identified as an area of weakness within the service in 2008. This was subsequently contracted out to a specialist company, with an increase from two to three applications over the growing season.
 - c) The specification for grass cutting identified the necessity for 13 cuts throughout the year. These are specified as fortnightly from April to August (10 cuts) then every four weeks in September and October (two cuts) followed by the first cut of the following season in March (1 cut). Normal practice is, however, to carry out fortnightly grass cutting from April to October (14 cuts) plus two cuts in March at the start of the growing season. This gives a total of 16 cuts. This number is now regarded as the basic requirement to keep on top of this issue
- (Cont....)

during the extended growing season which has resulted from changing weather conditions and the possible effects of climate change. For example, in 2007 grass cutting continued until the first week in December, which required a total of 18 cuts during the year.

d) Following reviews of Waste Services and back alley cleansing operations, the back alleys are now cleansed on a weekly basis on the working day following refuse collection.

35. The above initiatives have led to visible improvements in environmental quality across all areas. However, public awareness of environmental issue has increased - which has resulted in increased customer expectations across the town and a continued pressure to maintain (and where necessary improve) standards.
36. The scrutiny panel was advised that the Streetscene Service proposes to continue to monitor performance across all areas of the town. This is with a view to tailoring service frequencies to provide adequate levels of resources to enable common standards to be reached. A review of vehicle and equipment provision in each of the four Area Care areas will also be undertaken.
37. This review will ensure that the most appropriate vehicles and equipment are utilised to suit the infrastructure within particular areas of the town. A further issue to be considered is that changes in the town centre and the night time economy will mean that further changes to operations will be needed if standards are to be maintained. This is addressed in the specific term of reference relating to this issue from paragraph 67 onwards.
38. Examination of this term of reference highlighted the need for a flexible approach to service specifications to reflect the changing demands on service provision.

TERM OF REFERENCE: *“To examine links with Vale Contracts in respect of grounds maintenance, particularly how service standards are devised to ensure a consistent approach.”*

39. Areas of open space and land owned by Erimus Housing are currently maintained by a contractor (Vale Contract Services). As this work was previously undertaken by the Council, the scrutiny panel wished to investigate how existing arrangements operate, especially in respect of service standards.
40. Information was submitted to the scrutiny panel in respect of:
 - The background to Vale Contract Services' involvement in local grounds maintenance.
 - Developments since the contract award.
 - Current position and future developments

Background to Vale Contract Services' involvement in local grounds maintenance

41. In late 2007, Erimus Housing² decided to issue a tender for grounds maintenance and street cleansing works on land in its ownership. At the time of the decision, this work was being carried out by Middlesbrough Council. Following the Council's submission of a bid for the contract, via the 'virtual contract' documentation that was prepared by Erimus, the authority was informed in early 2008 that it had been unsuccessful in its contract bid.

² The registered social landlord which took on responsibility for the former Council housing stock.

42. The responsibility for this work had then transferred to Vale Contract Services on 1 June 2008, following an extension to the Council's agreement with Erimus (from 1 April 2008) in order to allow Vale time to prepare for commencement of the new Contract.
43. The loss of the contract, and the potential implications for the Council, were considered by the Environment Scrutiny Panel, in April 2008³. The issues were further considered by the Overview and Scrutiny Board in May 2008, prior to final approval of the scrutiny panel's recommendations on the matter by the Executive on 24 June 2008. Two of the panel's recommendations related to the process surrounding the contract. One recommendation related directly to the term of reference above, as follows:

That the Council continues discussions with Erimus Housing and Vale Contracts, and works with both organisations in the future, to ensure that grounds maintenance works on Erimus estates continue to be provided to the existing high standard - for example by ensuring that grass is cut by both organisations on the same day.

Developments since the contract award

44. The scrutiny panel was aware that there had been some problems concerning standards during the initial stages of the contract and sought information on the updated position, particularly in respect of the recommendation highlighted above.
45. Officers confirmed that when Vale had begun to operate the contract, some problems had been identified. For example, it became evident that standards of litter picking, grass cutting and house garden maintenance were not acceptable. This necessitated Council officers undertaking regular discussions with both Erimus and Vale in order to try to assist in resolving the problems. In addition, the Executive Director of Environment had several meetings with the Erimus Operations Director and the Council's Executive Member for Environment and Erimus Board Members were consulted regarding the outcomes of those meetings.
46. After detailed discussion and debate, Vale agreed to deploy additional resources to undertake the contract, particularly in respect of litter picking problems. At that time it had also become apparent that there was some confusion among the public in terms of land ownership and responsibilities. To address this issue, the Council reached an agreement with Erimus for Area Care to handle all customer complaints through the Council's Contact Centre. This resulted in closer control in respect of land ownership and service responsibility issues and more effective communication between the Council's Area Care Service and Vale.
47. This arrangement meant that problem areas that had been identified could be resolved more swiftly and effectively. In addition, numbers and types of complaints were monitored on a monthly basis by the Streetscene Senior Management Team and any concerns in terms of performance standards were fed back to the relevant parties.

³ See the agenda and minutes of the 28 April 2008 Environment Scrutiny Panel meeting for full details of background and the scrutiny panel's recommendations.

48. Officers then worked closely over the winter period following the first grass cutting season regarding alignment of the Council and Erimus grass cutting schedules for 2009. This has resulted in closer working on the ground and less visible gaps in the cutting regime in areas where responsibility for maintenance is shared by both parties.

Current position and future developments

49. The service has been found to be operating much better in the second year of the Contract. Despite this, the regular scheduled meetings at an operational, management and Executive Director level are continuing. Performance continues to be managed on a monthly basis by the Streetscene Senior Management Team and levels of complaints from the public have settled down considerably.
50. The Council also continues to monitor Erimus land through the national performance indicator inspection programme (using NI 195) and officers are satisfied that standards are generally close to those in Council maintained areas. Work is constantly ongoing with Erimus and Vale to ensure that standards are at the forefront of the existing contract.
51. In terms of any future contract, should Erimus decide not to extend the existing contract with Vale, a new tender will need to be issued during 2010, for the commencement of a new contract for the work. This would commence in April 2011. The scrutiny panel expressed the view that there will be a need to continue with monitoring arrangements to ensure that standards are maintained as the existing contract comes to an end. Officers indicated that ongoing monitoring procedures will ensure that this is the case.
52. In terms of the format of the contract documentation, the Council has had assurances from Erimus that a full audit of land in its ownership has been carried out and that, consequently, any new Contract will not be a 'virtual contract' but will be based around an accurate and up to date schedule of rates.
53. In addition to the actions outlined above - which have ensured that the relationship between the Council, Erimus and Vale is sufficiently robust to ensure performance standards are maintained - the Environment Department has also implemented new procedures as a result of the loss of the Erimus Contract. These include a pre-contract review process, introduced as part of the Executive Director's management arrangements. This process will ensure that all tenders are scrutinised internally prior to a proposed bid being prepared.
54. Also, where it is deemed appropriate, the bid will be evaluated by a cross-cutting team of officers with specific expertise in contractual legislation prior to its submission. The Executive Member for the appropriate portfolio will also be consulted prior to the submission of contract bids.

TERM OF REFERENCE: *"To assess existing depot arrangements and how these impact on service delivery."*

55. The scrutiny panel was aware that the Environment Department's services operate from a number of depots across Middlesbrough. The panel undertook to examine what impact these arrangements have on service delivery.

56. The panel heard that the majority of the Council's front line services are delivered by the Environment Department. These services include refuse collection and recycling, street cleansing and horticultural maintenance, building maintenance and cleaning, highways and winter maintenance and pest control. The services are supported by the fleet management and vehicle maintenance services, which are also delivered by the Environment Department.
57. Services operate from a number of depots and offices across the Town, including Cargo Fleet Lane (the former Cleveland County Council depot), the Cargo Fleet Erimus Housing Site, Prissick Base, Lloyd Street, and Stewart Park. The former County Council depot at Cargo Fleet Lane is the base for the fleet management and vehicle maintenance operation.
58. Particular depot-related issues highlighted to the scrutiny panel were as follows:
- Cargo Fleet Lane depot - This is an old building which is suffering severe deterioration, to the point where it is now considered to be a health and safety risk. The building is in a poor state of repair and the heating and electrical systems are failing. It is not considered that the building would warrant the level of investment required to bring it up to modern day standards.
 - The Prissick Base site has been identified as a housing development site within the local Development Framework, and could provide a significant opportunity for the Council in terms of a capital receipt from a developer.
 - Operational staff, vehicles and machinery will need to be relocated away from Stewart Park following completion of the ongoing Heritage Lottery project.
59. The above issues had highlighted an opportunity to examine depot arrangements and perhaps rationalise provision. A review of depot provision had consequently been included in the Council's Corporate Review Programme. This review has commenced and is being led by the Head of Streetscene, as the major service affected by the outcomes of the review. Initial review work included identifying the profile of the current depot arrangements in terms of costs, numbers of front line staff and vehicles, management and office based staff and parking requirements.
60. The review team also undertook a visit to a recently constructed purpose-built depot in Durham. This was to assist in making an assessment of the potential benefits of a single depot from which all services can be operated and managed and which also provides associated vehicle maintenance. The review team had concluded that a single depot operation would bring many benefits to the Council's services - both in terms of cost and operational matters.
61. A further key point which has been identified is that a new depot should be designed in such a way that it would be sustainable, energy efficient, and support the principles of one planet living. Such a flagship 'green' design could also provide the stimulus for new business investment in similar sustainable building designs, which would support opportunities for regeneration and employment in the town.

62. Following the initial work undertaken by the review team, the Council's Corporate Management team had agreed that an extended project team - with representation from Regeneration and Estates Departments - should be established to progress the review. The project team has been established and team members have been tasked with three main areas of work:
- Regeneration is identifying potential sites for a new facility.
 - The Estates service is considering the implications of withdrawal from the existing sites.
 - It is proposed to commission a draft design of what a potential depot site might look like, along with indicative costings.
63. Once this work has been completed, the project team will be able to consider the affordability of a new facility and to build up a more detailed business case for the project.
64. Officers have initially identified potential sites for a new depot on the former abattoir site on Cargo Fleet Lane and the Old Ironmasters site adjacent to the new north Middlesbrough access road. The potential development of these sites is to be examined and officers will also review any other potential sites that may be available.
65. In terms of potential disposal of existing depot sites, the scrutiny panel noted that the Prissick and Lloyd Street sites could provide potential capital receipts for the Council. The former Cleveland County Council site on Cargo Fleet Lane is managed by Middlesbrough Council on a 'custodian' basis - ie under arrangements associated with the disposal of County Council premises to the four (former) Cleveland unitary authorities. As such, the options for vacating this site will need to be considered in some detail.
66. The scrutiny panel was advised that its views would be welcomed in shaping progress on the review of depots. While welcoming the update regarding this topic, the panel is of the view that the project should be developed further and an update submitted to the panel for comment in early 2010.

TERM OF REFERENCE: *"In the light of moves towards a 24 hour/seven day economy, to examine existing arrangements for flexible/weekend working in areas such as Area Care."*

67. The scrutiny panel wished to explore the above term of reference to determine whether changes in the operation of Middlesbrough town centre in particular are impacting on Streetscene Services and how the service operates.
68. The panel heard that, traditionally, cleansing services in Middlesbrough have been organised around a five-day working week, Monday to Friday, with a skeleton cover (predominantly in the town centre) over weekends. This cover has always been organised on a voluntary basis, with staff being paid overtime for Saturdays and Sundays at the rates of time and a half and double time respectively.

69. Current levels of service cover are typically from 6.00am, when an early morning cleanse of the town centre takes place, until 4.00pm. There is therefore no current litter picking or cleansing cover in the town centre during busy evening periods. Middlesbrough Football Club match day arrangements and town centre special events, such as those held in Centre Square, have also been catered for using the overtime arrangements described above.
70. Since the introduction of Area Care in 2007, more resources have been deployed on weekends in order to maintain the high standards of cleanliness that have been achieved in the town centre. Out of town shopping parades and other high profile areas have also been included in the weekend cleansing programme.
71. Nationally, Town Centres are now becoming increasingly vibrant, and with both the retail and licensed trade operating over longer periods, a 24 hour/seven day economy is evolving. This has been seen to be the case in Middlesbrough. This will mean that current levels of litter picking and cleansing cover in the Town Centre will need to be extended to accommodate this. In addition, customer expectations in terms of their local environmental quality and cleanliness continue to grow. In its current form the Area Care cleansing service is not sufficiently resourced to provide the levels of service which will be required in future to maintain the desired standards of cleanliness. This not only applies to the Town Centre but also affects all areas of the town.
72. The Council is currently carrying out a corporate review of overtime and allowance payments across all services. While the results of this exercise are awaited, this could result in a drop in enhanced payments for weekend working, which might in turn make staff more reluctant to work overtime on a voluntary basis.
73. The scrutiny panel was advised that, in any event, the likely levels of service which will be required in the future, would make it impossible both financially and operationally, to operate the service purely on an overtime basis. The Streetscene Services Business Plan includes an action to address this - namely to "Examine the introduction of a seven day operational service for Area Care."
74. Accordingly, officers are currently considering how best to move forward with this action. It is anticipated that however such an operational system is implemented, some level of overtime would always be required - particularly for special events and emergencies - which can not be factored into a routine seven day operation.
75. A key decision will be the duration of cover required in the Town Centre - that is what time cleansing operations will cease - with the result that any subsequent littering is left until the following day. The numbers of staff required at key times in the town centre will also be an important factor. One consideration may well be that staff may have to work in small teams in order to avoid lone working issues at what might be considered as vulnerable times of the day.
76. The scope of weekend working outside of the town centre will also need to be considered. Certain routine elements of cleansing, such as areas which receive weekly attention, could continue to be provided during the Monday to Friday period. A scoping exercise, both in the Town Centre and the wider town, will quantify the percentage of the workforce required to work over the weekend, and in turn what might be the most appropriate arrangement to achieve this. A number of shift and working hour patterns could be considered, along with variations on the amount of staff that might be required to participate in such a scheme.

77. Officers advised the scrutiny panel that if a significant reduction in the current levels of overtime enhancement payments can be achieved, it may be possible to utilise this saving to provide additional resources across the town.
78. All Area Care staff are designated as multi-skilled and as such are not dedicated to cleansing activities. It might therefore be prudent to include all staff within the scheme, thus reducing the amount of weekend working for each individual, whilst providing the level of resource required to effectively deliver the service.
79. Once potential options are drawn up, consultation with staff and Trade Unions will commence as possible schemes such as those outlined above will constitute a major change from existing working arrangements for the staff concerned.
80. The scrutiny panel was advised that its views would be welcomed in shaping progress on revised working arrangements concerning town centre cleansing in light of the 24-hour economy. While welcoming the update regarding this topic, and the issues which have been raised, the panel was of the view that further work should be undertaken by officers before the panel is invited to comment on more detailed options and outline proposals.

TERM OF REFERENCE: “To assess what the Council is doing to educate and change behaviour in relation to littering, fly tipping and general environmental cleanliness.”

81. In agreeing its terms of reference for this investigation, the scrutiny panel recognised that it is not sufficient to simply pour resources into cleaning the streets. It is also imperative that the Council does everything it can to encourage residents and visitors to behave more responsibly - by not littering the streets in the first place, dealing with their waste appropriately and, in the wider context, by reducing waste, recycling and composting as much as possible. Accordingly, the panel sought to investigate what action the authority has taken in this area.
82. The panel found that the Environment Department is involved in a wide range of educational and enforcement initiatives in an effort to raise environmental awareness and achieve more responsible behaviour from the public. Within Streetscene Services, there is a recycling officer and a waste awareness officer, and an NI195 inspector⁴ who is independent from the Area Care Service.
83. Within the Community Protection Service, there is an Environmental Enforcement Team (consisting of five officers) together with the Back Alley Improvement Team (BAIT Team), details of which have been covered elsewhere in this report. The teams have been involved in a number of past and ongoing campaigns and initiatives. These have been devised to heighten public awareness as well as educate. Details of these initiatives were submitted to the scrutiny panel under the headings of ‘Streetscene Services Initiatives’ and ‘Community Protection Initiatives.’ These link the issues of waste reduction and recycling and general environmental cleanliness and awareness.
84. Environmental education initiatives undertaken by Streetscene Services were detailed as follows:

⁴ NI 195 (i.e. National Indicator 195) is the performance indicator used to measure levels of land cleanliness.

Visits to schools and colleges

85. Officers have made a number of visits to schools - the most recent being to Ormesby Secondary School (October 2009) to raise awareness about littering. This followed discussions with Area Care who had received a complaint about litter in the vicinity of the school.
86. There is also an ongoing programme with Macmillan College, also on the subject of litter. At the time of writing, discussions and meetings with the Chair of the college's Eco Council and with the Eco Council itself, are ongoing to finalise arrangements. A litter survey has also been undertaken, which involved the Recycling Team's participation. The results of the survey were reported to the Eco Council, with the results being used to inform decisions about siting of litter bins around the college in the local community. The Recycling Team has undertaken to liaise with the Area Care team who will service these bins.
87. At Kings Manor School, the Recycling Team has worked with a group of students as part of their GCSE studies in Environmental Science. The team focused on the module of study concerned with the biological actions associated with waste.
88. General presentations made to schools include littering, recycling and general waste awareness. This links into an ongoing programme of school visits as part of Streetscene's Waste Action Club initiatives. The Waste Action Club supports the Eco Schools Programme. Eco Schools is a series of steps which are internationally recognised and by which schools attain recognition for their improved environmental awareness and sustainability. The presentations usually address classes or groups within the school who are engaged in environmental projects. These groups are then involved in passing on the information to their peers.

Big Tidy Up

89. As part of a National Scheme run by Keep Britain Tidy, the Recycling Team organises a series of these events. The team co-ordinates the one day events and supplies expertise, materials, protective clothing and equipment for schools or local groups to target and clean up a local area. In the last year, four Big Tidy Up events have been undertaken.

Independent Living for Young People

90. The Recycling team, along with other service areas, has been involved in a support programme for young people leaving care. The team provides a series of talks and workshops, as part of a life skills programme which is aimed at helping the young people to integrate into the wider community. The focus is on providing general waste and recycling information including proper waste storage, recycling and environmental awareness.

Community Councils and Roadshows

91. These are used by the Recycling Team to educate the wider community regarding littering, fly tipping, recycling and composting. At November 2009 there have been 10 such events in the year to date.

Website and Leaflets

92. There are a number of pages on the Council's main website relating to waste and recycling. This includes information about the containment of waste and its presentation for collection so that litter and nuisance are avoided. Leaflets on various waste issues have also been produced and are distributed on request and at events such as community council meetings and roadshows.

93. The scrutiny panel was informed of environmental education initiatives undertaken by the Community Protection service as follows:

Public signs

94. These are used both to warn and advise. Examples include “No dog fouling” signs fitted to every alley gate (500 plus to date), signs in each of the three Dog Control Order Areas (approx. 120), signs to designate the ‘town centre free printed matter area’ (approx. 40), CCTV signs in hotspot areas such as allotments to deter and warn people e.g. No fly-tipping, No Trespassing, No dog fouling etc. There is also a stock of posters that can be placed in appropriate areas.

Press coverage and campaigns

95. Examples of campaigns include the Evening Gazette’s “Bin It” campaign - where photographs of littering offenders were printed in the newspaper; the Environment Agency’s “Dumpit and Leggit” anti-fly-tipping campaign; The Dogs Trust’s dog fouling campaigns; general campaigns on dog fouling, chewing gum and litter; and using ‘Megaphone Man’ to identify and address littering offenders in the street.
96. Information is released to the press regarding enforcement matters with variable success in terms of publication. In addition, a monthly Community Protection Service Bulletin is published, which highlights enforcement issues. This is sent electronically to all Community Councils, elected members and the press. Relevant articles are also published in Middlesbrough News.

Personal Advice and Guidance

97. This is provided on the spot by enforcement staff on request or in accordance with the Mayor’s new policy on intervention. People committing straightforward offences (e.g. litter) are first given the opportunity to redress their offence before a fixed penalty notice is issued. This option is not available for exacerbated offences such as throwing litter from a car or deliberately breaking a bottle on the pavement.
98. The ‘Megaphone Man’ campaign involved embarrassing people into picking up litter that they had dropped by asking them to do so with a Megaphone, drawing the attention of others to the offence that just occurred.
99. The operators of the speaking CCTV cameras across the town give approximately 12 pro-active reminders about not dropping litter per day to the general public and also react to ask someone that they have seen dropping litter to pick it up. This has been very successful as the offender knows that they have been caught on camera.
100. Approximately 50 000 poop scoops are issued each year to dog walkers. There is also a network of dispensers installed by Community Protection and stocked by Area Care. Rewards, such as frisbees, are also given to dog owners who are seen to be acting responsibly.

Advisory Letters

101. Advisory letters (which are held on file for future reference) are issued in cases such as residents putting out rubbish out at the wrong time or where a back alley is in a poor condition. In the latter case, all residents would receive a letter. In a typical year, approximately 50 letter drops are undertaken and 5 000 houses will receive advisory/warning letters in this way.

Talks and Presentations

102. Officers attend Community Council meetings, interest groups (for example Residents on Patrol) and residents meetings when invited to give presentations, and to offer guidance and advice. A format has also been established for dealing with schools when litter from children is an issue. This includes talking to school assemblies, writing to the children and parents and punishing litter offenders with essays on why they should not drop litter. This is as an alternative to issuing a fixed penalty notice.
103. The scrutiny panel was also informed of future plans involving Streetscene Services and Community Protection. Officers will continue to work with the public using as many communication routes as possible. Information from NI195 inspections and other local information will be utilised in order to target resources into areas where problems are identified.
104. The work of the back alley improvement team will continue for a further eighteen months while external funding is available. It is hoped that the work of the team will bring about behavioural change in these difficult to manage areas.
105. As part of a wider review of Streetscene structures, consideration is being given to combining educational activities across more service areas to provide economies of scale and a greater impact. This could integrate waste recycling and minimisation initiatives with wider, strategic, educational work - such as work carried out by the Countryside Team in respect of environmental sustainability, horticulture, green space and urban farming.
106. Consideration of this term of reference highlighted action and initiatives which are being undertaken to highlight environmental cleanliness issues and to educate the public in terms of their responsibilities.

CONCLUSIONS

107. Based on the evidence gathered throughout the scrutiny investigation the panel concluded that:
 1. Responsibility for cleanliness of the local environment is a highly visible and very important Council service, which is often seen as a priority by the public. In most areas, good progress has been made, with the relevant performance indicator showing that Middlesbrough's streets have never been cleaner. However, efforts need to be continued to maintain existing high standards.
 2. Back alley cleanliness has been highlighted as a problem issue, with work having been undertaken and resources concentrated in this area to address the problems that have identified. Despite efforts to date, some problem areas remain, where further action is required to improve the level of cleanliness in accordance with National Indicator (NI)195. Middlesbrough is not alone in experiencing difficulty regarding back alley cleanliness - information from neighbouring local authorities indicates that this is a widespread problem.
 3. In terms of overall environmental cleanliness, including back alleys, education and public engagement is key. There are times however, when action is needed against offenders and the panel acknowledges that a balance needs to be struck between education and enforcement. Neighbouring authorities have been particularly pro-active in enforcement in terms of the numbers of fixed penalty notices issued and prosecutions.

(Cont...)

4. Work is currently being undertaken by the Economic Regeneration and Transport Scrutiny Panel⁵ which may impact positively on the environmental condition of back alleys in some areas. This relates to the selective licensing of private landlords.
5. The Environment Department recognises that there needs to be a move towards more flexible specifications for grounds maintenance, street cleaning etc to reflect changing demands on services. The department is taking action to achieve this.
6. There have been problems with service standards in respect of the Erimus Housing grounds maintenance contract. However, action initiated by the Council has assisted in resolving a lot of the problem areas. Levels of public complaint have fallen considerably and liaison is ongoing between the Council, Erimus and the contractor to ensure that the situation continues to improve.
7. An officer review of Council depot arrangements is underway. This review is necessary due to the poor condition of the main depot at Cargo Fleet Lane and will provide an opportunity to rationalise provision. The review is in its early stages, with detailed proposals still to be developed.
8. Change will be needed in working arrangements in Environment in order to provide the necessary level of service which is increasingly demanded in relation to the 24-hour economy. An exercise is being undertaken by officers to consider options on how this issue can be taken forward.
9. The Environment Department is involved in a number of initiatives to educate the public in respect of environmental cleanliness. These are undertaken by separate teams, covering all aspects of the department's work.

RECOMMENDATIONS

108. Following the submitted evidence, and based on the conclusions above, the scrutiny panel's recommendations for consideration by the Overview and Scrutiny board and the Executive are as follows:
 1. That, in order to deter potential offenders, more action is needed in respect of enforcement action against people committing offences such as dumping in back alleys, littering and dog fouling.
 2. That, following prosecutions, more publicity should be undertaken to raise the profile of Council enforcement activity - such as writing to all residents in a street following a prosecution or fixed penalty in their street (for example in respect of back alley dumping), 'naming and shaming' perpetrators, or discussing with the Evening Gazette the possibility of introducing a 'Scales of Justice' section regarding environmental prosecutions in Middlesbrough.
 3. That, in order to reduce problems of dog fouling in gated back alleys, Dog Control Orders requiring all dogs to be kept on leads in back alleys, should be introduced.
 4. That all Council staff working in the public domain should be encouraged to report any environmental problems.
 5. That local 'Street Champions' should be introduced in the worst problem areas, possibly in conjunction with Community Development. These should be encouraged to report environmental problems directly to the Council and be given priority in reporting to the Council's Contact Centre.
 6. That following completion of the review of working methods and patterns to meet cleaning needs in respect of the emerging 24 hour economy, proposals should be submitted to the scrutiny panel for comment.

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⁵ As part of the scrutiny panel's investigation of older housing areas of Middlesbrough.

7. That moves towards more flexible specifications for grounds maintenance, street cleaning etc should be linked with the review of fleet/vehicle provision and the review of working methods and patterns which is to take place in regard to the 24 hour economy.
8. That the Council should ensure that continued monitoring is undertaken to ensure that there is no reduction in standards as the Erimus Housing grounds maintenance contract comes to an end.
9. That work is continued with Erimus Housing and Vale Contracts to move towards ensuring that there are no visible gaps or differing standards in the cutting regimes of Vale Contracts and the Council.
10. That all options are explored regarding work which is being undertaken to review Council depot provision - for example building one new depot or refurbishing existing depots, with the Environment Scrutiny Panel to be consulted on detailed proposals.
11. That the officer responsible for monitoring cleanliness in respect of the NI 195 performance indicator undertakes an exercise to determine the impact of back alley cleanliness on this indicator and reports findings to the Environment Scrutiny Panel. This should include information on a ward basis so that the worst problem areas can be identified.

ACKNOWLEDGEMENTS

109. The Panel is grateful to all those who have presented evidence during the course of this investigation, and who have assisted in its work, and would like to place on record its thanks for the willingness and co-operation of the following:

Middlesbrough Borough Council Officers (Environment Department):

G Field

K Garland

L Mowbray

T Punton

P Robertson

L Wellburn

and:

S Dale - Redcar and Cleveland Borough Council

M Robinson and C Willows - Stockton on Tees Borough Council

C Thelwell - Hartlepool Borough Council

BACKGROUND AND REFERENCE MATERIAL

110. The following sources were consulted or referred to in preparing this report:

- Reports/minutes of Environment Scrutiny Panel Meetings held on 9 and 27 July, 20 August, 7 September, 6 and 30 October, 19 November and 14 December 2009.

Contact Officer: Alan Crawford

Scrutiny Support Officer, Legal & Democratic Services

Telephone: 01642 729 707(direct line)

e-mail: alan_crawford@middlesbrough.gov.uk

**COUNCILLOR BOB KERR
CHAIR OF THE ENVIRONMENT SCRUTINY PANEL**

4 January 2010

**INFORMATION OBTAINED FROM DISCUSSIONS WITH HARTLEPOOL, REDCAR
AND CLEVELAND AND STOCKTON ON TEES BOROUGH COUNCILS
REGARDING THE CONDITION OF BACK ALLEYS**

1. Findings from a visit to Hartlepool Borough Council - 10 September 2009

- a) Hartlepool Council has taken a pro-active approach to addressing problem back alleys, particularly in respect of enforcement.
- b) A specialist team was established, which has made significant improvements.
- c) Where areas have been targeted for enforcement, a letter is sent to all properties explaining why action is necessary. This has resulted in positive community engagement.
- d) Street cleaning rounds always follow bin collections. The only exceptions to this relate to covering periods of sickness, staff holidays or mechanical breakdown.
- e) Wheeled bins are used in all areas, including back alleys.
- f) Bins are all stencilled with an identification number, which has significantly reduced problems of stolen/missing bins.
- g) A 'no side waste' policy is strictly enforced. A pro-active approach (which has included warnings and prosecutions) is used to tackle perpetrators.
- h) Alternate weekly collections of waste/recycling are in operation. Although there was initial resistance to this in some areas, it is felt that the system now works well.
- i) Enforcement action has included use of warning notices in the first instance. Such notices can cover a wide variety of back alley problems and allow the individual on whom it is served to take action to correct the issue involved. Breach of a warning notice has resulted in fixed penalty notices (currently £100) being served or prosecution in the Magistrates Court. In the case of prosecutions, an important factor has been that local magistrates have been very supportive of Council action.
- j) There have been approximately 150 prosecutions plus 100 fixed penalty notices in the past 12 months.
- k) In the case of prosecutions, publicity is issued, including press releases, which 'names and shames' offenders.
- l) Efforts are ongoing to engage with private landlords on issues such as problem tenants/properties. A voluntary registration scheme is encouraged, which has assisted in developing improved links with landlords and has resulted in improvements in areas such as back alley dumping.
- m) Very positive results have been obtained by introducing dog control orders in back alleys - whereby dogs are required to be on leads. This one action - which targets offenders via fixed penalty notices (currently £80) or prosecution, has significantly reduced problems of dog fouling in back alleys.
- n) Covert surveillance has also been used - with positive results - in areas of the worst back alley problems.
- o) Back alley problems do not now impact on the relevant Best Value Performance Indicator concerning public satisfaction with levels of cleanliness.
- p) Future funding (to maintain existing levels of action/enforcement) may be a future issue.

2. Findings from a visit to Redcar and Cleveland Borough Council on 5 October 2009

- a) Redcar & Cleveland Borough Council (RCBC) have had serious problems in back alleys. This has especially concerned flytipping in areas where alley gates have been removed ahead of demolition schemes.
- b) An enforcement team has been established in the Community Protection service. This is pro-active in tackling various environmental issues, including back alley problems. A number of prosecutions have been made for offences such as flytipping.
- c) There is also a fly tipping response team, which has greatly assisted in removing tipped rubbish more swiftly.
- d) An approach has been taken of a clean up/enforcement "blitz" in a given area. This has included letter drops to improve awareness and engage with residents and
- e) Following discussions with the Evening Gazette, RCBC is examining the possibility of having its own 'Scales of Justice' section in the paper. This will be used to name and shame people who are prosecuted for environmental offences.
- f) The authority does not have a 'no side waste policy' and will remove any additional rubbish/bags left out by householders. It is accepted that this may lead to more rubbish being collected - but on balance, may reduce the level of waste which is flytipped.
- g) Since moving to alternate weekly collections, the same amount of waste is collected in tonnage terms. However, recycling rates have increased to over 40%.
- h) Education is seen as a key issue in addressing back alley problems. People may be ignorant of Council services (e.g. junk jobs are collected free of charge) or may not care about the impact of their actions on their area.
- i) Local management arrangements are being introduced, which will further improve environmental services, including removal of fly tipping in back alleys. The use of 'Blackberry' hand held communication devices has also had a positive impact in reporting jobs etc.
- j) Community Protection Officers (RCBC's equivalent of street wardens) have enforcement powers and do issue fixed penalty notices for alley-related offences such as dog fouling. The officers are also actively involved in gathering/collating evidence to assist with prosecutions for offences such as dumping and flytipping.
- k) Back alley problems have worsened in areas which have moved towards a higher level of rented properties with the associated more transient populations.
- l) New working systems are to be trialled where one work crew and one vehicle will be used to tackle a range of jobs in a particular area - for example flytipping and rubbish removal, weedspraying, horticulture and the painting of Virgin Media boxes (which is done under contract).

3. Information obtained from Stockton Borough Council from a discussion held on 20 August 2009

- a) There is one back lane squad that works closely with street cleaning services.
- b) Small sweepers are sent in after the refuse collection round and all alleys are cleaned every week.
- c) Alley gates have been introduced, but are often left open by residents, allowing dumping to take place.
- d) The Environment Department works closely with the Enforcement Team and the Neighbourhood Management Team.
- e) Some streets have their own individual representatives who work with the street wardens and inform the Council of when problems of dumping occur. The representatives have a call tag ID for when they ring problems in, so the contact centre are aware of their call and can allocate it directly.

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- f) Neighbourhood Workers report if the street cleaners are not doing a good job, if there are trips on the pavement or missing gulley covers - this has worked well and will be rolled out across the town.
- g) Any problems reported to Neighbourhood Workers go to the beginning of the queue at the contact centre and missed items are collected.
- h) Self-elected Street Champions also keep an eye on their areas and regularly report any problems.
- i) A central call centre is now in operation, which is slower, but the process is much better as there is an immediate response, and by using the CRM system and hand held contact equipment, problems can be addressed sooner.
- j) All drivers have been trained recently, however, the contact system was antiquated and there is a proposal to switch to mobile phones, to ensure direct contact with crews by the contact centre.