

## CULTURE AND COMMUNITIES SCRUTINY PANEL

<b>Date:</b> Thursday 26th January, 2023
<b>Time:</b> 1.30 pm
<b>Venue:</b> Spencer room

### AGENDA

1. Apologies for Absence
2. Declarations of Interest  
  
To receive any declarations of interest.
3. Minutes - Culture and Communities Scrutiny Panel - 17 November 2022 and 15 December 2022 3 - 14
4. Regulation of Investigatory Powers Act (RIPA) - overview 15 - 18  
  
The Interim Head of Strategy, Information and Governance, Ann-Marie Johnstone will be in attendance to provide the panel with an update on the Surveillance Policy.
5. Museum Service- Terms of reference 19 - 20  
  
The panel is asked to consider the draft terms of reference for the review and discuss next steps.
6. Off road bikes 21 - 30  
  
The Democratic Services Officer will provide an update on the Off road bikes report.
7. Chair's OSB Update  
  
The Vice Chair will provide a verbal update on the Overview

and Scrutiny Board on 12 January 2023.

8. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin  
Director of Legal and Governance Services

Town Hall  
Middlesbrough  
Wednesday 18 January 2023

#### MEMBERSHIP

Councillors C McIntyre (Chair), G Wilson (Vice-Chair), R Arundale, C Dodds, D McCabe, M Nugent, J Rostron, Z Uddin and J Walker

#### **Assistance in accessing information**

**Should you have any queries on accessing the Agenda and associated information please contact Susie Blood, (01642) 729645, [Susie\\_blood@middlesbrough.gov.uk](mailto:Susie_blood@middlesbrough.gov.uk)**

## **CULTURE AND COMMUNITIES SCRUTINY PANEL**

A meeting of the Culture and Communities Scrutiny Panel was held on Thursday 17 November 2022.

**PRESENT:** Councillors Councillor Chris McIntyre, G Wilson (Vice-Chair), R Arundale, C Dodds, D McCabe, M Nugent, J Rostron and Z Uddin

**PRESENT BY INVITATION:** Councillors J Walker

**ALSO IN ATTENDANCE:** Hagan (Cleveland Police) and Tinkler (Cleveland Police)

**OFFICERS:** Susie Blood, Andrew Shippey and Marion Walker

### **APOLOGIES FOR ABSENCE:**

#### **22/15 DECLARATIONS OF INTEREST**

There were no Declarations of Interest received at this point in the meeting.

#### **22/16 MINUTES - CULTURE AND COMMUNITIES SCRUTINY PANEL - 20 OCTOBER 2022**

The minutes of the Culture and Communities Scrutiny Panel held on xxxx were submitted and approved as a correct record.

#### **22/17 OFF ROAD BIKES- FURTHER INFORMATION**

The Chair welcomed Chief Inspector Wendy Tinkler and Chief Inspector Jon Hagen, Cleveland Police to the meeting to provide further information in relation to off road bikes and Operation Endurance.

Following on from the last meeting, the Chief Inspector made reference to the incident on Sunday 7th August, when it was estimated over 100 persons gathered across various locations in Middlesbrough on off and on road bikes, cars and quads. The Chief inspector advised that there has been criticism towards the police, but wanted to reassure work is ongoing to identify and arrest those involved.

Of those identified, 20 arrests had been made , 19 bikes seized, 8 suspects who were further identified from the press appeal and they are looking at undertaking a day of action.

Following on from the incident on 7 August, there was intelligence that a further incident was planned in 2 weeks' time. Due to this intelligence significant work was completed between the Police and other partners (including Middlesbrough Council) to prepare. This included several press releases to deter offenders and the event didn't come to fruition.

In terms of the status of the investigation:

- When the incidence was made known to Cleveland Police, there had been no intelligence to suggest this would occur which hampered opportunity to prepare. At the time of the event the incident was risk assessed, weighing up factors against current demand, potential harm and risk to members of the public, Cleveland Police and Staff and the offenders themselves.
- The sheer number of people in attendance hampered any opportunity to consider pursuit tactics, as this would have increased the risk posed to members of the public.
- The deployment of stingers was an available tactic (spikes that can be laid across the road to burst tyres) however due to the quantity of bikes, this was neither suitable nor appropriate.
- Cleveland police requested assistance from air support, however as there was no significant threat to life this was not appropriate.
- Following risk assessing the situation the Silver Command decided that evidence gathering would be undertaken by officers on the ground, and management of the

- event to ensure safety and minimize disruption to the community.
- Officers were deployed with CCTV capabilities and also our town cctv was utilized.
- The evidence gathered from the event has been reviewed.
- The investigation is extensive involving the backtracking of CCTV footage in order to identify those riders who were wearing helmets and face coverings. This enabled the identification of some due to cctv footage being obtained where riders had their face coverings/helmets removed.
- Those who have not been identified have been forward tracked, where officers have reviewed cctv and press coverage appealing for information e.g types of bikes/ quads and from 20 face recognition, there were 2 responses.
- There were positive comments on social media, as the public felt the incident was being dealt with.
- After the incident, and under the Preventative arm with partners, the route the bikes took was assessed and it was noted they have taken down a number of fences to gain access. Highways repaired these immediately and on the 2 days there was potential for another incident, there were Lorries on standby with boulders. The Police also conducted high visibility patrols to ensure no further damage was done.
- There was significant social media and press releases to highlight the dangers and warn riders what would happen if they undertook this type of activity again.

The panel had questioned the use of Smart water and the Chief inspector outlined that it was not suitable for this scenario. However Cleveland Police do use 'SelectaDNA tagging' which comes in 2 forms: the first a spray which can be directed towards suspects and their vehicles and the second is a bomb burst style, which can be used in large crowds e.g football crowds. In terms of further work, the Chief inspector outlined that they would link into SelectaDNA tagging spray under section 59 notices. There was currently a piece of work being undertaken to look at areas where off road bikes most affect communities.

The panel were pleased to hear that across Teesside, Middleborough had the lowest amount. Section 59 notices allow a uniformed officer, who may see an off road bike whose driver is causing anti-social behavior and nuisance, to serve a section 59 notice, and this MUST be done in order to seize the bike. If they haven't been served a notice, the police have no power to seize the bike.

Section 59 warning Signage prevents the requirement to provide a warning notice to offenders. In effect the signage acts as the warning notice. Partnership work is being conducted to have appropriate signage created and put in those areas most affected.

The Chief Inspector also outlined that she would be working with the Council to have section 59 orders included in any further Public space protection orders.

In terms of police powers, the Chief Inspector outlined that there is the following:

- Driving offences
- Section 59 warnings
- Section 165 under the road traffic act
- Those who are arrested, the police have the power to seize anything in relation to the incident. If it is identified that a bike is being kept in a lock up, a section 18 can be requested from their Inspector to search the property.

The investigation was still ongoing and Cleveland Police had established a Preventative Plan to reduce any further incidents- known as Operation Edmondson. Chief Inspector for Redcar and Cleveland Jon Hagen provided further details to the Panel.

The Chief Inspector outlined that similar to Middlesbrough, Redcar and Cleveland have their local difficulties with off road bikes and there are no borders so often riders cross through both areas. Therefore joint working with Middlesbrough has been crucial.

The panel were advised that the Chief Inspector had been given the authority to look at off road bikes for the force. His tactic was looking at it like organised crime and drugs, whereby establishing where the bikes are coming from, break the networks , establish where the bikes are and where they are stored.

The Chief Inspector was also looking at introducing governance within the police, and now every police area has the lead e.g. in Middlesbrough , Inspector Steve Pattison. It was important to have leadership on the problem and that this is replicated across the force.

In terms of the overall plan, the Chief Inspector was using the template from the Home Office organised crime strategy, in relation to the 4 P's:

- PURSUE: prosecuting and disrupting people engaged in serious and organised criminality

- PREVENT: preventing people from engaging in serious and organised crime;
- PROTECT: increasing protection against serious and organised crime;
- PREPARE: reducing the impact of this criminality where it takes place.

Each owner will have a 4 P plan and will come up with a tactical option e.g. educational packages for schools to combat generational problems.

It is important to education parents but also education teachers that if they hear of young people driving off road bikes, this is a safeguarding issue and should be reported to children's services and the police.

In terms of pursue, in order to prosecute people for this offence, they also wish to gain holistic approach and prepare a profile around repeat offenders e.g. their full background and why they may be reoffending.

In terms of criminal behaviour orders, the panel were made aware that currently the police have to appeal with the magistrates court and ask for certain restraints on an individuals e.g. not allowed to own a quad bike or be seen in public wearing a balaclava. If they are caught breaching these conditions, this gives the police power of arrest.

The force is keen to advertise this within the communities through local councillors (only over 18 years of age) as often 'naming' is the best way to catch perpetrators.

The Inspector advised he was keen to work alongside the council to issue community protection orders which would allow PSCOs to issue warning letters, and if caught again they would be issued with a notice, where they are issued with a fine and if not paid, they can be taking to court.

- Further action would be as follows:
- community intelligence and utilise crime stoppers
- days of action,
- standard reporting mechanism for housing providers
- call backs and report back to the community on what is being done.
- Internally launching front line training to inform officers of their powers
- Key initiatives- link in with garages to ensure they do not serve riders who wear helmets in the forecourt/ shop.
- Posters will be recirculated in the garages and circulated in ward areas.
- Inspector Steve Pattison is also looking at a multi -agency response for off road bikes which will include Cleveland Police, housing, the council fire brigade etc. This will allow for a structured approach and there will be monthly actions on a local level.

Following the presentation, the Chair asked whether the force used drones and the panel were advised that these were using during the incident in August, and that the force was in the forefront of preventative measures.

The panel were keen to assist with promoting the dangers of off road bikes and the following suggestions were made:

- Crimestoppers/ off road bike posters to be put in lovemiddlesbrough magazine/ community buildings and copies provided to ward councilors.
- information to be placed on Middlesbrough council on social media/ through communication channels.

The councilors were very complimentary of the preventative measures and felt the information provided had been clear and precise.

AGREED- That the information be noted and that evidence provided be utilized within the final report of the panel

22/18

## **PREVENT AND CHANNEL- UPDATE**

The Chair welcomed Andy Shippey, Community Safety Officer PREVENT/reducing Reoffending and Marion Walker, Head of Stronger Communities and CHANNEL Chair to the meeting.

The Community Safety officer provided the following information:

- Prevent is part of the Government's counter-terrorism strategy CONTEST and is designed to safeguard vulnerable people and communities from the threat of radicalisation and being drawn into terrorism. There are different types of terrorism and Prevent deals with all of them. The most common types of terrorism in the UK are Islamist terrorism and extreme right-wing terrorism.

**Thursday 17th November, 2022**

- PREVENT and the safeguarding component CHANNEL is voluntary and only works with consent of the vulnerable person at risk and takes a person centred approach in helping the individual address vulnerabilities and increase their resilience against the hateful extremist influence.
- The Middlesbrough Operational Prevent group work together with partnership agencies to stop people becoming involved in or supporting terrorist activity. Under the Prevent Duty all public sector agencies have a responsibility to ensure their staff and volunteers have a good understanding of Prevent and their responsibilities towards individuals, groups, or families they are working with.
- The Operational Prevent group prepares Action plans designed to reduce the risk by increasing communities' resilience and awareness, Training and awareness raising and Promotion of the safeguarding nature of PREVENT.
- In addition to Scrutiny, the work and actions of PREVENT are also overseen by the CQC, Ofsted, Office of the Policing and Crime Commissioner and Community safety partnership.

The Community Safety Officer provided the Panel with information on recent action carried out within the community, these included for example:

- Safer giving campaign
- Working with a Local College around community cohesion conversations and work using the Lets Discuss campaign material
- Promotion of the Act early campaign in different languages
- Joint social media campaign to promote prevent and online resilience with Newcastle Council
- Continued support to national campaign Real Stories

The Community Safety Officer provided further information on contributions to the Cleveland Police approach and further examples of training and support and awareness sharing.

The Head of Stronger Communities and Channel Chair provided the Panel with some information on Channel advising of the following:

- CHANNEL across Cleveland is bespoke as our regional figures are low in comparison to other areas.
- The CHANNEL panel is a safeguarding meeting of multi disciplinary professionals whom all work towards assisting the vulnerable young person or adult build their resilience against the extremist narrative whilst addressing any vulnerabilities they may have
- CHANNEL operates on a consensual basis and consent must be sought from the individual
- The type of support available through CHANNEL is wide-ranging, and can include help with education or careers advice, dealing with mental or emotional health issues, or digital safety training for parents; it all depends on the individual's needs.

The panel were very complimentary of the work undertaken by Prevent/ Channel and acknowledge the modules which are on the council's elearning. A panel member queried how employees who do not have access to a computer receive information and the Community

safety officer advised he would circulate this information to the panel. It was also recommended that a member briefing session should be established to provide up to date information to councilors.

AGREED

That the information be noted.

22/19

**MUSEUMS- WORK PLAN**

The Democratic Services officer provided an update on the work plan in relation to the panel's upcoming topic on museums.

The work plan had been circulated to members' details some draft terms of reference for the topic as well as key questions for officers.

The panel were made aware that the initial meeting for the topic would take place on 15 December 2022.

AGREED

That the position be noted.

22/20

**CHAIR'S OSB UPDATE**

The Chair provided a verbal update on the discussions at the Overview and Scrutiny Board on 25 October 2022.

AGREED

That the update be noted.

22/21

**ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

Northern school of Art- Tour

The Chair reminded the panel that a tour of the Northern school of Arts had been arranged for 24 November 2022 commencing 1.30pm.

Any members wishing to join the tour should meet u the reception area.

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## CULTURE AND COMMUNITIES SCRUTINY PANEL

A meeting of the Culture and Communities Scrutiny Panel was held on Thursday 15 December 2022.

**PRESENT:** Councillors Councillor Chris McIntyre, G Wilson (Vice-Chair), R Arundale, J Rostron and N Gascoigne

**PRESENT BY INVITATION:**

**ALSO IN ATTENDANCE:**

**OFFICERS:** Susie Blood, JR Bowes and Gaye kirby

**APOLOGIES FOR ABSENCE:** C Dodds, D McCabe, M Nugent and J Walker

### 22/22 **DECLARATIONS OF INTEREST**

There were no Declarations of Interest received at this point in the meeting.

### 22/23 **MINUTES - CULTURE AND COMMUNITIES SCRUTINY PANEL - 17 NOVEMBER 2022**

The minutes of the Culture and Communities Scrutiny Panel held on xxxx were submitted and approved as a correct record.

### 22/24 **MIDDLESBROUGH MUSEUM SERVICE- SERVICE OVERVIEW- SETTING THE SCENE**

The Chair welcomed Gaye Kirby, Creative Programmes and Partnership Manager and J.R Bowes, Museums General Manager to the meeting to provide a service overview of museums.

The Museums General Manager advised that he has commenced his role in March 2021 and that the Creative Partnership Manager had taken up her post in February 2022.

To begin with the General Manager provided some context surrounding the museums advising that Middlesbrough own two museums- the Dorman and Captain Cook birthplace.

**The Dorman Museum:** Established in 1904 with large collections of natural history, archaeology, and ethnography, the museum has developed a remit that reflects the life and interests of the town and its people.

The museum had extensive redeveloped in 2002, and currently houses eight galleries covering social history of the town, the natural world, decorative arts, and world cultures.

**Captain Cook Birthplace museum:** In 1978 on the 250th anniversary of Cook's birth the museum opened. It is housed in a purpose-built museum close to the site of Cook's birthplace cottage in Stewart Park.

The museum tells the story of Cook, his 3 voyages and the cultures he encountered through themed displays and artefacts.

The Manager advised that there were 13 members of staff covering the two museums, however currently there was only 1 learning and engagement officer in post due to long term sickness.

The service worked with a number of partners including:

- Tees Valley Museums Group NPO
- Arts Council England
- Teesside Archives
- British Museum

- National Portrait Gallery
- Schools
- Museum Development Network NE
- Captain Cook Trust
- Friends of Dorman Museum
- Middlesbrough Mela
- Taste of Africa
- Curious Arts
- Barefoot Kitchen
- South Tees Arts & Health
- Whippet Up

The ambition of the service was as follows:

**Attracting and retaining audiences through the creation of fresh and dynamic programming, expanded museum promotion and deepening our connection to the community and beyond.**

This would be achieved by the following steps:

1. Connect with communities
2. Relevant and transformative museum
3. Think differently and create unique and distinctive experiences
4. Playful museum
5. Added value to the visit

In terms of the Dorman museum, the Manager outlined that it currently housed over 300,000 objects, however some were on loan. Structurally, the museum was fit for purpose, however there has always been challenges with the roof and the museum sadly suffers with guttering and leaks when there is strong wind and rain. The majority of the budget goes on maintenance, however in the future, a new roof would perhaps be the only option to protect the collections.

In terms of the ambition, the museum had also outlined a transformation plan, which was as follows:

#### **Changing Lives**

- Socially purposeful and engaged
- Enhance lives
- Breaking down barriers
- Active community participation
- Engaging with diverse communities
- Sharing collections and knowledge

#### **Wellbeing**

- Increase a sense of wellbeing
- Help us feel proud of where we have come from
- Inspire, challenge and stimulate us

#### **Create better place**

- Sense of belonging
- Value and understand where we live
- Encourage active public participation in decision-making
- Use collections and buildings to generate understanding between communities
- Create spaces that are open and accessible to all

#### **Economic Value**

- Create new opportunities for residents
- Raise aspirations
- Encourage and attract visitors to the town
- Stimulate further investment.

One main objective is to start celebrating our communities, and looking at how the museums can celebrate Middlesbrough's diverse communities.

The Manager provided some examples of how the museums have been building towards their ambition, which included a number of videos which has been created in conjunction with partners:

**1. Connect with communities-** The Dorman museum is free to the public and the panel were advised visitors normally stay between 1- 2 hours. The museum holds number of collections, some fixed and some temporary.

In terms of connection with communities, for the last 6 months the Learning and Engagement officer has been concentrating wholly on schools, re-establishing our school loan boxes and delivering our Egyptian and Captain Cook workshops which are very popular.

Whilst the Captain Cook Museum, is not open all year round, it sits within the beautiful setting of Stewart Park, which attracts thousands of visitors per year. The park itself has lost of artefacts and last year the museum service introduced the Stewart Park Island Discovery Trail (which allows children and adults to follow the trail around the park and collect rubbings along the way). There is a small cost for the trail but it has proven popular.

Other work has included Celebrating connections , which worked with young people aged 12-16 in LINX , where the museum displayed their art work. The service also worked with Middlesbrough Mela and Barefoot Kitchen to develop a 'Taste from home', a community cookbook.

Other community work has linked with the Captain Cook Museum, where local school children had a unique opportunity to meet with rugby team from the Cook Islands. Volunteers and community groups worked tirelessly to produce a quilt , during their rugby world cup game against Tonga. Postcards have been produced and school children are now corresponding with children in the Cook Islands.

**2. Relevant and transformative museum-** In 2022, the Dorman Museum was fortunate to borrow an Egyptian exhibition, free of charge from the British Museum. The exhibition links with the following 3 ambitions in that this has allowed the Dorman to think differently and create a distinctive experience, adding value to visits and being creative with space, by bringing play, amongst culture and learning.

The British Museum, alongside the Dorman Museum worked with local school children, holding workshops and developing Egyptian themed work to have on display. The children were able to speak to curators from the British Museum via zoom to gain a better understanding of Egyptian culture.

Alongside this, the museum wished to bring something for younger children and with thanks to Covid recovery budget were able to install an Egyptian play area next to the collection. This has proved very successful and loved by families.

The project still continues and in the New Year 300 children will be traveling by train to London to visit to British museum. Something many children have not had the experience to do. It is hoped that this will develop a long-term relationship with the regions.

**3. Think differently and create unique and distinctive experiences-** as well as the Egyptians, the service worked with Curious Arts, to develop, a curious night in the museum. Curious Arts is a Newcastle Gateshead based charity championing and developing Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual + arts, artists and audiences across the North East of England and beyond. Producers of award-winning Curious Festival – a celebration of LGBTQIA+ culture, Curious Arts co-ordinate queer arts network Queer Arts North and develop community-focused arts projects and events throughout the year, in partnership with cultural and community organisations from across the region.

Curious Arts took over the museum, questioned social constructs, vogue dancing, sharing memories, developed art and celebrated LGBTQIA+ culture.

The Dorman also hosted the Bottled ocean- an exhibition exploring your own

relationships with plastic. The artist worked with thousands of children and community groups to reuse plastic to create an under the water themed exhibition.

4. **Playful museum-** The Dorman offers the following to attract families, including the Egyptian playarea, pop up theatre, Dinosaur days, yoga sessions and music sessions. There is a small cost from the activities (except for the Egyptian playarea)

5. **Added value to the visit-** The Dorman museum is a welcome place and celebrates all communities. In 2022, the museum purchased a Virtual reality ride, which changes theme depending on the time of year. The ride is currently open on weekends and during school holiday and has proven to be a welcome addition to the museum. The ride also generates a small income, as it is currently priced at £3.50 per person, or £14 per family. The ride lasts 5 minutes and since its instalment has generated £17k. It was hoped that this type of activity would evolve.

In terms of looking forward, the officers explained they wished to concentrate on the following:

- Democratising our collections and displays- the museums need to be strategic about the collections on show and what they store. Whilst disposing of artefacts may sound easy, there is a long process in place, which is often costly.
- Improving our physical access- looking at the Dorman and Captain Cooks birthplace access to ensure it is open to all
- Strengthening relationships and opportunities with communities- the service wish to embrace and celebrate our communities, by telling true stories and bring new stories to life.
- Enhancing programming and offer- working with partners/ local communities and schools.
- TVCA heritage framework- working together to celebrate our heritage.
- Capital redevelopments
- Building on partnerships- and as well building new ones.

This however was against challenges:

- Staffing and capacity
- Workforce skills and training
- Budgets
- Buildings and Maintenance
- Investment & council priorities
- External funding
- Strategic understanding of the power of museums
- Growing community needs
- Storage and contemporary collecting

The officers were thanked for their informative presentation.

As this was the first meeting, the Democratic Services Officer would work with the panel and develop detailed terms of reference for the review.

Following the order of business, a number of the panel members were shown round the museum.

AGREED:

That the information be noted.

22/25

#### **CHAIR'S OSB UPDATE**

The Chair provided a verbal update in respect to the Overview and scrutiny meeting held on 13 December 2022.

AGREED- That the update be noted.

22/26

#### **CHAIRS UPDATE- VISIT TO NORTHERN SCHOOL OF ARTS**

**Thursday 15th December, 2022**

The Vice Chair provided feedback from the recent visit to the Northern School of Arts. Those who attended found the visit useful and very informative.

AGREED- That the information be noted.

22/27

**ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

NO ITEMS

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<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Director of Legal and Governance Support
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<b>Submitted to:</b>	Culture and Communities Scrutiny Panel
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<b>Date:</b>	26 January 2023
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<b>Title:</b>	Regulation of Investigatory Powers Act (RIPA) - overview
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<b>Report for:</b>	Information
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<b>Status:</b>	Public
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<b>Strategic priority:</b>	Quality of service
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<b>Key decision:</b>	Not applicable
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<b>Why:</b>	Not applicable
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<b>Urgent:</b>	Not applicable
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<b>Why:</b>	Not applicable
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<b>Executive summary</b>
<p>That the Panel notes the report which provides an update on the processes the Council has in place to ensure continued compliance with the Regulation of Investigatory Powers Act 2000 (RIPA) and use of those powers.</p>

## **Purpose**

1. The report provides an update to the Panel on the processes the Council has in place to ensure compliance with the Regulation of Investigatory Powers Act 2000 (RIPA).

## **Background and relevant information**

2. The Regulation of Investigatory Powers Act 2000 (RIPA) is the law governing the use of surveillance techniques by public authorities, including local authorities.
3. RIPA was enacted as part of a suite of legislation flowing from the Human Rights Act 1997. The Act requires that when public authorities need to use covert techniques to obtain information about someone, they only do so if surveillance is necessary, proportionate, and compatible with human rights.
4. The Act and supporting guidance set out a prescribed process that the Council must comply with if it deems that it is necessary to exercise its powers under RIPA.
5. For Public Authorities, there is an option to exercise powers under RIPA, where it meets the tests of necessity, proportionality and compatibility with the Human Rights Act, in relation to the following suspected offences:
  - a suspected offence could result in a custodial sentence of more than 6 months,
  - or where it is suspected that alcohol or cigarettes are being sold to children,
6. Where approval is given by a magistrate, covert surveillance can then be undertaken. The Council has not exercised its powers under RIPA since 2019.

### Surveillance Policy

7. The Council has in place a Surveillance Policy which sets out how the Council would process an application under RIPA. This policy is reviewed by the Executive Member for Finance and Governance on an annual basis. It was last reviewed in December 2022.
8. The policy applies to all overt and covert surveillance undertaken by or on behalf of the Council. The policy includes not only RIPA based surveillance but also defines the grounds on which the Council would consider that it has legitimate reasons to conduct surveillance for grounds other than RIPA and the processes that must be complied with before any surveillance can be undertaken. The Surveillance policy identifies that the Council may determine it has a need to carry out covert surveillance to progress investigations outside of the RIPA framework, where (i) while significant, the matters under investigation may not typically result in criminal proceedings, or (ii) the potential criminal offence(s) under investigation are likely to attract a penalty below the RIPA threshold. Examples of such instances include but are not limited to:
  - suspected benefit fraud;
  - children at risk as court orders are not being respected;
  - serious cases of anti-social behaviour; or
  - contractors failing to carry out contracted works.

9. The policy applies to all Council employees and any other party undertaking surveillance on behalf of the Council by contract.
10. Information on the use of RIPA is also reported to Corporate Affairs and Audit Committee on an annual basis as part of the Senior Information Responsible Officer (SIRO) report.

**What decision(s) are being recommended?**

11. That this Panel notes the report which provides an update on the processes the Council has in place to ensure continued compliance with the Regulation of Investigatory Powers Act 2000 (RIPA).

**Rationale for the recommended decision(s)**

12. The Panel have requested information on the usage of RIPA powers within the local authority.

**Other potential decision(s) and why these have not been recommended**

13. Not applicable.

**Impact(s) of the recommended decision(s)**

***Legal***

14. The policy ensures compliance with legal requirements in relation to RIPA activities.

***Strategic priorities and risks***

15. The Council’s approach to RIPA ensures that it acts lawfully when undertaking RIPA activities. This has a positive impact on the strategic risks that the Council could fail to comply with the law or fail to ensure good governance.

***Human Rights, Equality and Data Protection***

16. Not applicable.

***Financial***

17. There are no financial implications arising from this report which is for information only.

**Actions to be taken to implement the recommended decision(s)**

Action	Responsible Officer	Deadline
Not applicable.		

**Appendices**

No appendices

## Background papers

Body	Report title	Date
Culture and Communities Scrutiny Panel	RIPA overview	23/07/2018
Culture and Communities Scrutiny Panel	RIPA Update	15/4/2021
Corporate Affairs and Audit Committee	Annual assurance report - SIRO	31/03/2022
Executive Member for Finance and Governance	Annual review of the Surveillance policy	14/12/2022

**Contact:** Ann-Marie Johnstone, Interim Head of Strategy, Information and Governance  
**Email:** [Ann-Marie\\_Johnstone@middlesbrough.gov.uk](mailto:Ann-Marie_Johnstone@middlesbrough.gov.uk)

**Museum service**  
**Draft Terms of reference**

1. To gain an understanding of the museum service in Middlesbrough.
2. To gain a better understanding of the visitor experience/ numbers and how museums generate income.
3. To understand the extent the service already engage with our local community/ schools and to examine further avenues to do so.
4. To examine the museums partners and how they can work with us to further engage with communities and explore temporary exhibition of Middlesbrough's culture.

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MIDDLESBROUGH COUNCIL

**OVERVIEW AND SCRUTINY BOARD**  
**DATE**  
**SHORT REVIEW**  
**FINAL REPORT OF THE CULTURE AND**  
**COMMUNITIES SCRUTINY PANEL- OFF ROAD**  
**BIKES**

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## **PURPOSE OF REPORT**

1. To present the final report of the Culture and Communities Scrutiny Panel following its investigation into Offroad bikes.

## **AIM OF INVESTIGATION**

2. The aim of the panel's investigation was to consider Middlesbrough Council's and Cleveland Police's approach to Offroad bikes, following concerns within the community and recent media attention.

## **STRATEGIC PLAN 2021-24**

3. The scrutiny of this topic aligns with the two of the Council's three core aims set out within the Strategic plan 2021-24.

*People-* Working with communities and other public services in Middlesbrough to improve the lives of local people

*Place-* Securing improvements in Middlesbrough's housing, infrastructure and attractiveness, improving the town's reputation, creating opportunities for local people and improving our finances.

4. The scrutiny topic further links with the below priority set out for the next three years:

*Crime and anti- social behaviour-* We will tackle crime and anti-social behaviour head on, working with our partners to ensure local people feel safer.

## **TERMS OF REFERENCE**

5. The terms of reference for the panel's investigation were as follows:
  - To understand what initiative Cleveland Police and Middlesbrough Council have in place to combat the issue of off road bikes.

## **BACKGROUND**

6. At the panel's first meeting, they agreed their work programme and raised increasing concern regarding off road bikes in the town.
7. The Panel wished to ask the following key questions to further their knowledge, as well as exploring avenues that the panel and local councillors could help assist the police to combat the issue.
8. The key questions the panel wished to ask were as follows:
  - In the past 12 months, how many off road bikes have been seized and how many arrests have been made?
  - How do Cleveland Police and Middlesbrough council work together?
  - What powers to PSCOs have to deal with off road bikes?

- Is there any education being undertaken within primary/ secondary schools to increase awareness of off road bikes?
- In your view is there anything, are there any specific areas that we, as a panel, can recommend to assist the police/ council to combat/ control the issue.
- What partners do we engage with?

9. The panel undertook their investigation over a series of two meetings.

## **SETTING THE SCENE**

10. Sunday 7th August, it was estimated over 100 persons gathered across various locations in Middlesbrough on off and on road bikes, cars and quads. A subsequent “ride” out commenced where the group rode to Marske via the Trunk Road, Eston High Street and Redcar in convoy before returning to Middlesbrough where they dispersed.
11. This began a full scale investigation from Cleveland police and partners.

## **EVIDENCE- MIDDLESBROUGH COUNCIL**

12. At the panels meeting on 20 October 2022, the panel heard from Dale Metcalfe, Middlesbrough Council’s Operational Community Safety Manager in relation to the work the Council do to assist Cleveland Police.
13. The Manager advised that the Council are instrumental in what is known as 'Operation Endurance', a scheme that aims to crack down on nuisance riders and motorists initially in the Cleveland areas. The Scheme is led by Cleveland Police, however works with partners, including Middlesbrough Council and Thirteen. From the Council, Neighbourhood wardens and community safety officers will join forces with the Road traffic team to crack down on this issue. Under the Road Traffic Act 1988. It is illegal to drive or ride a mechanically propelled vehicle without lawful authority on common land, moorland or land not forming part of a road, or on any road which is a footpath, bridleway or restricted byway.
14. After the incident on 7 August 2022, the Police gathered CCTV images which had been gathered from Middlesbrough Council CCTV and private CCTV and mobile phone footage. These images were able to assist Cleveland Police in identifying individuals.
15. It was known that several railing fences were cut down by the offenders in order to gain easy access to “cut through” points for the intended route. These were repaired by Middlesbrough Council with additional target hardening methods put in place to prevent/ reduce the risk of this happening again in the future.
16. In terms of new build estates, the panel heard that Cleveland police are involved from the off set to see if there are any possibilities to include bollards/ traffic calming measures, however any measures need to ensure they meet DDA compliance.
17. In terms of supporting the police, the Council have measures in place through the Statement of Policy and Procedures for Antisocial Behaviour to assist and there are 5 strands:

Stage 1; Warning letters,  
Stage 2; Second warning letter  
Stage 3; Joint interviews (with parents and perpetrators), contracts and anti-social behaviour agreements  
Stage 4; Final warning  
Stage 5; Fixed Penalty Notices and penalty notices for disorder /parenting Orders, Noise Abatement Notices, Civil Injunctions, CPN's, Public Space Protection Orders (PSPO) and Criminal Behaviour Orders for offenders with criminal behaviour linked to antisocial behaviour.

18. These measures may not follow these stages, however quite often with younger people, the stages must be built to support evidence in Court especially for example, in supporting to put an anti-social injunction (ASI) on an individual.
19. Statement of Policy and Procedures for Antisocial Behaviour, paragraph 4 identifies the importance of the Neighbourhood Safety Wardens and Neighbourhood Safety Officers, advising that:

*The teams gather and receive intelligence and evidence from a variety of sources, i.e. resident diary sheets, Ward Members, Police AS13 data and Neighbourhood Safety Warden incident reports. As front line officers they will quickly identify emerging trends, hotspot locations and perpetrators responsible. As a result, the team play a crucial role in the Active Intelligence Mapping (AIM) process where officers are often identified as "problem owners" due to their co-ordinated multi-agency approach when tackling the issues. This in essence is a huge part of Operation Endurance.*

## **EVIDENCE- CLEVELAND POLICE**

### ***Operation Endurance***

20. At the panel's meeting on 17 November 2022, the Panel received evidence from Chief Inspector Wendy Tinkler and Chief Inspector Jon Hagen, Cleveland Police.
21. Chief Inspector Tinkler, provided information to the panel on Operation Endurance, the overall force strategy.
22. The incident on 7 August 2022 did bring some criticism to Cleveland Police, but wanted to reassure work is ongoing to identify and arrest those involved.
23. Since the incident, the panel were advised that there have been 20 arrests , 19 bikes seized, 8 suspects who were further identified from the press appeal and they are looking at undertaking a day of action.
24. Following on from the incident on 7 August, there was intelligence that a further incident was planned in 2 weeks' time. Due to this intelligence significant work was completed between the Police and other partners (including Middlesbrough Council) to prepare. This included several press releases to deter offenders and the event didn't come to fruition.

In terms of the status of the investigation:

- When the incident was made known to Cleveland Police, there had been no intelligence to suggest this would occur which hampered opportunity to prepare. At the time of the event the incident was risk assessed, weighing up factors against current demand, potential harm and risk to members of the public, Cleveland Police and Staff and the offenders themselves.
  - The sheer number of people in attendance hampered any opportunity to consider pursuit tactics, as this would have increased the risk posed to members of the public.
  - The deployment of stingers was an available tactic (spikes that can be laid across the road to burst tyres) however due to the quantity of bikes, this was neither suitable nor appropriate.
  - Cleveland police requested assistance from air support, however as there was no significant threat to life this was not appropriate.
  - Following risk assessing the situation the Silver Command decided that evidence gathering would be undertaken by officers on the ground, and management of the event to ensure safety and minimize disruption to the community.
  - Officers were deployed with CCTV capabilities and also our town cctv was utilised.
  - The evidence gathered from the event has been reviewed.
  - The investigation was extensive involving the backtracking of CCTV footage in order to identify those riders who were wearing helmets and face coverings. This enabled the identification of some due to cctv footage being obtained where riders had their face coverings/helmets removed.
  - Those who have not been identified have been forward tracked, where officers have reviewed cctv and press coverage appealing for information e.g types of bikes/ quads and from 20 face recognition, there were 2 responses.
  - There were positive comments on social media, as the public felt the incident was being dealt with.
  - After the incident, and under the Preventative arm with partners, the route the bikes took was assessed and it was noted they have taken down a number of fences to gain access. Highways repaired these immediately and on the 2 days there was potential for another incident, there were Lorries on standby with boulders. The Police also conducted high visibility patrols to ensure no further damage was done.
  - There was significant social media and press releases to highlight the dangers and warn riders what would happen if they undertook this type of activity again.
25. Despite the incident on 7 August 2022, the panel were pleased to learn that Middlesbrough had one of the lowest number of off road bikes in the area.
26. The panel had heard of 'Smartwater' and wished to know whether it could be used in this situation. The Chief Inspector advised that it was not suitable for this scenario. However Cleveland Police do use 'SelectaDNA tagging' which comes in 2 forms: the first a spray which can be directed towards suspects and their vehicles and the second is a bomb burst style, which can be used in large crowds e.g football crowds.
27. In terms of further work, the Chief inspector outlined that they would link into SelectaDNA tagging spray under section 59 notices. There was currently a piece of work being undertaken to look at areas where off road bikes most affect communities.

28. Section 59 notices allow an uniformed officer, who may see an off road bike whose driver is causing anti-social behavior and nuisance, to serve a section 59 notice, and this MUST be done in order to seize the bike. If they haven't been served a notice, the police have no power to seize the bike.
29. Section 59 warning Signage prevents the requirement to provide a warning notice to offenders. In effect the signage acts as the warning notice. Partnership work is being conducted to have appropriate signage created and put in those areas most affected.
30. The Chief Inspector outlined that she would be working with Middlesbrough Council to have section 59 orders included in any further Public space protection orders.
31. Further police powers are as follows:
  - Driving offences
  - Section 59 warnings
  - Section 165 under the road traffic act
  - Those who are arrested, the police have the power to seize anything in relation to the incident. If it is identified that a bike is being kept in a lock up, a section 18 can be requested from their Inspector to search the property.

### ***Operation Edmondson***

32. The investigation from 7 August 2022 is still ongoing and Cleveland Police had established a Preventative Plan to reduce any further incidents, known as Operation Edmondson.
33. Chief inspector, Redcar and Cleveland, Jon Hagan, was lead on the Operation.
34. The Chief Inspectors tactic was looking at it like organised crime and drugs, whereby establishing where the bikes are coming from, break the networks , establish where the bikes are and where they are stored. In terms of governance, each area in Cleveland now has a lead on Operation Edmondson, in Middlesbrough case, this is Inspector S Pattison.
35. In terms of the overall plan, the Chief Inspector was using the template from the Home Office organised crime strategy, in relation to the 4 P's:
  - PURSUE: prosecuting and disrupting people engaged in serious and organised criminality
  - PREVENT: preventing people from engaging in serious and organised crime;
  - PROTECT: increasing protection against serious and organised crime;
  - PREPARE: reducing the impact of this criminality where it takes place.
36. Each area will have a four P Plan and must take ownership and come up with tactical options, e,g, educational packages for schools to combat generational problems.
37. The Chief Inspector stressed the importance of educating parents on the dangers of off road bike but also ensuring teachers and educators understand. If a child is seen/ heard to be using an off road bike, this is a safeguarding issue and must be reported to children's services and the police.

38. The force were further looking at gaining a holistic approach to reoffenders of off road bikes, this would allow support to be put in place if considered appropriate.
39. In terms of criminal behaviour orders, the panel were made aware that currently the police have to appeal with the magistrates court and ask for certain restraints on an individuals e.g. not allowed to own a quad bike or be seen in public wearing a balaclava. If they are caught breaching these conditions, this gives the police power of arrest.

### **Support from the Council and local community**

40. In terms of moving forward, the force were keen to advertise Operation Edmondson, and put 'faces' in the public domain (only over 18 years of age) as often 'naming' is the best way to catch perpetrators.
41. The Inspector advised the force was keen to work alongside the council to issue community protection orders which would allow PSCOs to issue warning letters, and if caught again they would be issued with a notice, where they are issued with a fine and if not paid, they can be taking to court.
42. Further action would be as follows:
- community intelligence and utilise crime stoppers
  - days of action,
  - standard reporting mechanism for housing providers
  - call backs and report back to the community on what is being done.
  - Internally launching front line training to inform officers of their powers
  - Key initiatives- link in with garages to ensure they do not serve riders who wear helmets in the forecourt/ shop.
  - Posters will be recirculated in the garages and circulated in ward areas.
  - Inspector Steve Pattison is also looking at a multi -agency response for off road bikes which will include Cleveland Police, housing, the council fire brigade etc. This will allow for a structured approach and there will be monthly actions on a local level.
43. The Chief Inspector presented some posters which were to be distributed within Section 51 areas and on social media. This would hopefully bring further attention to public of the dangers of off road bikes.

### **CONCLUSIONS**

44. Based on the evidence received, the Panel applauds the excellent work being undertaken by Cleveland Police, Middlesbrough Council and partners.

Whilst there is excellent work being undertaken, the panel feels councillors and the wider community need to take action and promote information on what to do if they witness off road bikes.

## **DRAFT RECOMMENDATIONS**

45. Based on the evidence gathered during the investigation, and the conclusions above, the Culture and Communities Scrutiny Panel makes the following recommendations for consideration by the Executive:-

- A) That greater awareness is made to councillors and the general public on the dangers of off road bikes. The panel recommend that all ward councillors are provided with Cleveland police's crimestoppers/ off road bike posters to promote within their community and social media sites.
- B) That Cleveland police provide the posters to the Council's stronger community team so that these can be placed on social media sites and within the lovemiddlesbrough magazine.
- C) That the excellent partnership work with Cleveland Police and the Council continue and that the panel receive an update on Operation Endurance/ Edmondson 6 months after recommendations have been endorsed.

## **ACKNOWLEDGEMENTS**

46. The Panel would like to thank the following officers for their assistance in their work:

- Geoff Field, Director of Environment and Community Services
- Marion Walker, Head of Stronger Communities
- Dale Metcalf, Operational Community Safety Manager
- Chief Inspector Wendy Tickler, Cleveland Police (Middlesbrough Neighbourhood Policing)
- Chief Inspector Jon Hagan, Cleveland Police ( Redcar and Cleveland Neighbourhood policing )

## **BACKGROUND PAPERS**

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

- Minutes of the Culture and Community Scrutiny Panel held on 20 October 2022 and 17 November
- Cleveland Police
- Gazette Live - Chief Inspector condemns 'unacceptable' group on off-road bikes who will be 'held accountable', 9 August 2022.

## **COUNCILLOR C MCINTYRE- CHAIR OF CULTURE AND COMMUNITIES SCRUTINY PANEL**

The membership of the scrutiny panel is as follows: Councillors C McIntyre (Chair), G Wilson (Vice-Chair), Z Uddin, R Arundale, D McCabe, M Nugent, C Dodds and J Rostron

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