

ENVIRONMENT SCRUTINY PANEL

A meeting of the Environment Scrutiny Panel was held on Monday 11 December 2023.

PRESENT: D Branson (Vice-Chair in the Chair), Councillors J Ryles, I Morrish, M Nugent and S Platt

PRESENT BY INVITATION: E Imai – Boro Doughnut
S Duckett – Board Member, Boro Doughnut
N Corrighan – Thirteen Housing (Boro Doughnut)

PRESENT AS OBSERVERS: N Jellasan – Teesside University (Boro Doughnut)
Councillor Kabuye – Newport Ward Councillor
N Corrigan – Evening Gazette

OFFICERS: C Coverdale, J Dixon, G Field, S Garside and D Metcalfe

APOLOGIES FOR ABSENCE: Councillors J Banks, J Ewan, TA Grainge and L Mason

23/23 **DECLARATIONS OF INTEREST**

Name of Member	Type of Interest	Item/Nature of Interest
Councillor Ryles	Non-Pecuniary	Member of Boro Doughnut

23/24 **MINUTES OF THE PREVIOUS MEETING OF THE ENVIRONMENT SCRUTINY PANEL HELD ON 13 NOVEMBER 2023**

The minutes of the previous meeting of the Environment Scrutiny Panel held on 13 November 2023 were submitted and approved as a correct record.

23/25 **WASTE MANAGEMENT - FURTHER EVIDENCE**

Community Interest Company, Boro Doughnut, had been invited to attend the meeting to provide an overview of their work in Middlesbrough. Accordingly, E Imai, Boro Doughnut, and S Duckin, Board Member, were in attendance, supported by K Collighan, Thirteen Housing and N Jellason, Teesside University.

The Panel heard that Boro Doughnut was a new community interest company, launched in November 2023, that built on positive collaborative movement towards a thriving Middlesbrough based on Doughnut Economics.

The Doughnut Economics Action Lab (DEAL) Community was made up of like-minded people exploring the ideas of Doughnut Economics and pioneering ways to put ideas into practice. It included educators, policy makers, community members, businesses, artists, academics, designers and economists. The DEAL community offered common sources of inspiration and tools to apply to each individual's context, some created by the DEAL team but mostly created by members of the DEAL community.

Boro Doughnut applied Doughnut Economics in Middlesbrough as part of the wider network and shared solutions around the globe with its partners.

Boro Doughnut's mission was to build a thriving Middlesbrough by connecting people to take urgent action to meet the needs of all people within the means of one planet living by protecting the environment. To date, it had connected with local communities to create an edible forest garden in Berwick Hills and an NHS allotment site, in addition to hosting various arts and community events to promote its message.

Research had been undertaken with Teesside University to ascertain the current environmental state of Middlesbrough. The research looked at whether the people of Middlesbrough had a safe life and how they thrived across areas such as education, work, health, community, political voice and culture.

In the context of waste management, Boro Doughnut had commenced litter picking within communities with Boro Champions who were doing excellent work. It had also undertaken research in the TS1 areas, speaking to residents, waste collectors, officers from thirteen housing, Council officers to find out what was actually happening on the ground. It was a joint responsibility for everyone to work together to improve the area.

The Panel heard that Boro Doughnut aimed to use continuous improvement methodology and root cause analysis to learn lessons from past initiatives in which the same problems kept reoccurring; to learn from other towns as to how to take out the root cause of the problem and start enabling sustainable initiatives and to ensure all people and the environment benefitted from collecting actual outcome evidence.

Several root causes of littering and fly-tipping in TS1 had been identified through root cause analysis and possible solutions had been proposed, as follows:-

- Lack of integration and inclusion efforts – increase spaces and opportunities for integration.
- Language barrier/poor literacy level of residents not taken into consideration – improve communication that takes into account language barrier and literacy levels.
- Population density increase not considered in design – implement long term plan for provision that was fit for purpose.
- Lack of monitoring actual outcomes and implications of rules – monitor progress of actual outcome (eg cleanliness of alleyway) and evaluate current rules and policies.

Reference was made to strategic level working and the Director of Environment highlighted that the current Joint Waste Management Strategy for the Tees Valley had been reviewed up to 2035 based on the new energy from waste plant. It looked at how waste would be managed, increasing recycling and moving towards compulsory food waste collections with further information awaited on the bottle return scheme.

In conclusion Boro Doughnut welcomed the opportunity to collaborate with Middlesbrough Council, as well as other key partners, to ensure visions were aligned to improve waste management across the town, particularly through increasing recycling rates.

During the course of discussion, the following issues were raised:-

- It was highlighted that engaging residents and ensuring they were on board with recycling was key to increasing recycling rates. Environment Services had ongoing dialogue with Nudge using 'nudge' theory to spur individuals into action. It was possible that was something that could be collaborated on with educating residents. Part of the business case for the new energy from waste plant was to increase recycling rates. The Director indicated that he would be happy to engage in a community-led approach and that various plans were already being looked at in this regard.
- A Panel Member asked whether Boro Doughnut linked into other community groups and to what extent their involvement was. The Panel was advised that the MVDA held a database of volunteers and groups. There were around 880 community organisations in Middlesbrough and MVDA acted as a hub to contact particular groups with a view to working together. Boro Doughnut currently worked with Thirteen Housing and Teesside University and community volunteers. They used creative ways of spreading the message through art.

The Chair thanked the representatives for attending the meeting and the information provided.

AGREED that the information provided be noted and considered in the context of the Panel's current scrutiny investigation.

S Garside, Environmental Sustainability Manager, and C Coverdale, Environment Services Manager, were in attendance to provide Members with further information in relation to current environmental education programmes, particularly in relation to recycling.

In previous meetings reference had been made to behavioural change with a view to implementing fresh ideas and discussions were ongoing with experts in this field to develop a plan to be rolled out throughout 2024 to engage with residents to increase recycling and minimise waste.

The Panel was informed that the Environmental Sustainability Manager worked with a range of services, groups and individuals in order to encourage as many people as possible to target areas with low recycling rates and/or high levels of contaminated recycling, including:-

- Cumbria Waste Recycling Plant – weekly sampling was undertaken to see the recycling materials being deposited and establishing which areas or wards within Middlesbrough needed to be targeted by letter drops providing advice on recycling.
- Marketing and Communications Team - posting on social media to promote recycling and providing advice on the materials that should not be recycled. This had gathered momentum more recently.
- Refuse Crews – checking bins, etc, engaging with residents and explaining why bins were being checked and providing advice on recycling.
- Eco groups and Schools – attending assemblies to engage children in how to help recycle and around not dropping litter.
- 'Wash and squash' roadshows delivered in community hubs, bus station, local shopping centres.

It was essential to engage with as many people as possible to have conversations and answer questions around what could and could not be recycled to encourage recycling and cut down on contamination rates.

Part of the conversation that had been taking place with Nudge was around how best to communicate with residents and how to ensure everyone was clear as to what could be placed in each bin at home for kerbside collection. In the near future the Environmental Services Manager would be going out in a van to spread the message. This would enable greater flexibility to speak to more people in multiple locations on a regular basis and would also target areas with low recycling rates. The overall aim was to make recycling the 'social norm'.

A Panel Member queried whether recycling rates were available for each ward in order to know which wards needed to improve. It was highlighted that some wards did not have the ability to achieve high recycling rates as some did not have gardens and some had back alleys which operated on a different system. In addition, some wards with low recycling rates could have particular areas/streets with good recycling rates. For example, there had been an issue recently with high contamination rates in one particular area but refuse crews had worked with environmental enforcement and the Environmental Sustainability Manager who had gone out into the community to resolve the issue and this had been achieved through collaborative working.

In response to a query the Environmental Sustainability Manager stated that she would welcome additional support on the ground through volunteers. Additional resources had been offered through volunteers at Climate Action Middlesbrough who were assisting with some of the more time-consuming tasks such as checking bins with the refuse crews, placing bin stickers on those that were contaminated, liaising with the driver to record the bin number etc. Once a sticker had been placed on a bin to notify the resident it would not be emptied due to contamination, the bin would not be emptied and the resident would be issued with a letter and leaflet explaining why and what they needed to do. They could request a visit from the Environmental Sustainability Manager if they wished.

It was acknowledged that there would always be a small minority of people who would just not

recycle but many were genuinely unsure of what they needed to do and required a little bit of guidance. It might be as simple as turning the message round to say what could not be recycled.

Reference was made to food waste collections and it was highlighted that this was likely to be introduced in 2026 in Middlesbrough due to awaiting funding from central government to introduce the system. For the Council to implement collections earlier than 2026, it would need to fund the system itself and this would be at a significant cost to the Council. The Environmental Sustainability Manager added that part of her role was also to help reduce food waste by providing advice on meal planning and how to plan food shopping accordingly to reduce food being wasted.

Environmental Enforcement

D Metcalfe, Operational Community Safety Manager, was in attendance at the meeting to provide the Panel with further information in relation to environmental enforcement activity and the interventions and penalties available within the legal framework.

The Panel was advised that a few years ago, environmental enforcement activity had been minimal until environment staff were co-located with Community Safety staff under the management of the Operational Community Safety Manager. Investment in the service had resulted in the creation of a 'flying squad' (to ensure fly tipping could be investigated quickly); increased enforcement activity and consequences, including an increase in prosecutions for serious cases and major improvements in tackling fly tipping.

Between 2017-2020 there had been three prosecutions made in Middlesbrough for environmental offences. In 2021-2022 this had increased to 63 fixed penalty notices or Court proceedings in relation to environmental offences. This year, to date, there had been 52 Fixed Penalty Notices/Court proceedings. It was highlighted that fly tipping was a criminal offence, not a civil matter and in more serious or persistent cases it was not appropriate to issue a fixed penalty notice.

As part of the Government's Anti-Social Behaviour Action Plan, there had been recent changes in legislation to increase Fixed Penalty fines. This included:-

- The maximum amount those who were caught fly-tipping could be fined would increase from £400 to £1,000.
- The maximum amount those who were caught littering or graffitiing could be fined would increase from £150 to £500.
- The maximum amount those who breached their household waste duty of care could be fined would increase from £400 to £600.

It was believed that an increase in the fixed penalty amounts would play a role in the decrease of prosecutions, however, fines needed to be proportionate to the offence.

The Panel was informed that waste presentation, eg bins being left out for collection on the wrong day, leaving out side waste, etc, had been decriminalised but was the biggest issue reported to the environmental enforcement team. This year, to date, 400 Section 46 warning notices, 160 second (follow up) letters and five fixed penalty notices had been issued in respect of this matter. This was purely in relation to how the bin(s) were presented and not about the contents. Prior to 2018, fines could be issued in respect of this, however, it was no longer an option.

During discussion, the following issues were raised:-

- In response to a question regarding payment of FPNs, the Panel heard that there was a collection rate of approximately 70%, meaning that the majority of fines were paid. Middlesbrough was the leading local authority in the Tees Valley for enforcement action taken in relation to environmental offences.
- Reference was made to the cost of prosecutions. It was stated that there was a cost of approximately £225 per matter plus officers' time. Even if the Council was successful in prosecuting, it did not always recoup the cost of taking the person to court and the sanctions imposed were out of the Council's control and imposed by the Court. It was

confirmed that the monies received via a fixed penalty were retained by the Council. For serious offences (for example, dumping of asbestos), criminal proceedings would be the most appropriate course of action.

- In serious cases where vehicles had been used in relation to environmental offences, such as fly-tipping, there was sometimes an opportunity to seize the vehicle through a Forfeiture Order. A more recent example of this was provided whereby, in accordance with legislation, a vehicle used for serious fly tipping offences had been seized and valued at around £14,000. The vehicle was repurposed and was now used by the flying squad.
- In response to a query, it was highlighted that investigation for criminal proceedings was time intensive and it could take up to 18 months for cases to reach Court.
- It was queried whether the enforcement team was aware of individuals travelling from other areas of the town, or from outside of Middlesbrough, to fly-tip in particular areas. It was noted that, through the correct procedures, some cameras had been installed in alleyways where fly tipping had been identified. Some of those who had been caught were from outside of that ward area. However, one of the biggest problems was unlicensed waste carriers. These were generally individuals with a van who charged people to take away their rubbish, but then dumped it illegally. In such cases where illegal dumping was identified and traced back to the resident, the resident - as well as the illegal waste carrier - could be prosecuted. Residents could be fined up to £600 for using illegal waste carriers.
- It was queried what policies were in place in respect of alleyways. The Panel was informed that alleys were cleansed on a five-day cycle with one regime for all alleys, however, the Council was looking to implement a revised system as rubbish collection and cleansing were currently fragmented. It was acknowledged that there were complexities around alleyways in terms of ownership as some were owned by the Council and others were owned by the adjacent properties.
- It was queried whether there were any policies or procedures in place that were hindering waste management, such as booking places at the household waste recycling facility. Members were advised that there had been some restrictions during covid, however, same day bookings could be made and whilst only one time slot could be booked at a time, further slots could be booked one the same day once you had completed your previous visit. Multiple bookings had been ceased due to some people booking out several hours which they did not need and preventing others from using the facility.

The Panel thanked the officers for attending and the information provided.

AGREED that the information provided be noted and considered in the context of the Scrutiny Panel's current review topic.

23/27 **FEEDBACK FROM SITE VISIT TO RECYCLING FACILITY**

Due to unforeseen circumstances, the site visit scheduled for 8 December 2023 to Cumbria Waste Recycling Facility had been rescheduled to Tuesday, 19 December 2023. Panel Members were asked to meet at Resolution House at approximately 1.00pm for a 1.30pm visit to the plant.

23/28 **OVERVIEW AND SCRUTINY BOARD - UPDATE**

The Chair provided a verbal update in relation to the business conducted at the Overview and Scrutiny Board meeting held on 15 November 2023, namely:

- Executive Member Update – Executive Member for Finance and Governance, Councillor Nicky Walker.
- Executive Forward Work Programme
- Scrutiny Panels' Chairs' Updates.
- Next meeting of OSB – Wednesday, 20th December 2023, 4.30pm.

23/29 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

Crustacean Deaths Collaborative Working Group - Update

The Chair advised that the above group had met on 7 December 2023. The Chair of the North East Fishing Collective, accompanied by two fishermen, had been in attendance. They had reported that die-off was continuing and had evidence that crustaceans were not growing any bigger and catches were down. This was resulting in fishermen having to go further out to sea to achieve a bigger catch.

It was anticipated that a recommendation would be made for a complete modification of the current testing/dredging regime.

NOTED

23/30

DATE AND TIME OF NEXT MEETING - 15 JANUARY 2024, 10.00AM

The next meeting of the Environment Scrutiny Panel was scheduled to take place on Monday, 15 January 2024 at 10.00am.