

## OVERVIEW AND SCRUTINY BOARD

<b>Date:</b> Wednesday 23rd October, 2024
<b>Time:</b> 4.30 pm
<b>Venue:</b> Mandela Room (Municipal Buildings)

## AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes - Overview and Scrutiny Board - 25 September 2024 3 - 12
4. Minutes- Overview and Scrutiny Board - 30 September 2024 13 - 18
5. Executive Member Update - Deputy Mayor and Executive Member for Education and Culture  
  
The Deputy Mayor & Executive Member for Education and Culture will be in attendance to provide an update in their capacity as portfolio holder for Education and Culture.
6. Final Report - Environment Scrutiny Panel - Waste Management 19 - 58
7. Scrutiny Work Programme 2024-25 People Scrutiny Panel 59 - 62
8. Executive Forward Work Programme 63 - 78
9. Scrutiny Chairs' Updates
10. 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  
Tuesday 15 October 2024

## MEMBERSHIP

Councillors I Blades (Chair), J Kabuye (Vice-Chair), J Banks, D Branson, E Clynch, D Coupe, J Ewan, B Hubbard, L Lewis, M McClintock, I Morrish, M Saunders, M Smiles, G Wilson and P Storey

### **Assistance in accessing information**

**Should you have any queries on accessing the Agenda and associated information please contact Scott Bonner/ Joanne Dixon, 01642 729708/ 01642 729713, [scott\\_bonner@middlesbrough.gov.uk](mailto:scott_bonner@middlesbrough.gov.uk) / [joanne\\_dixon@middlesbrough.gov.uk](mailto:joanne_dixon@middlesbrough.gov.uk)**

## OVERVIEW AND SCRUTINY BOARD

**A meeting of the Overview and Scrutiny Board was held on 25 September 2024.**

**PRESENT:** Councillors: Blades (Chair), Kabuye (Vice Chair), Branson, Coupe, Ewan, Hubbard, McClintock, Morrish, Saunders and Wilson.

**OFFICERS:** S Bonner, G Cooper, J Dixon, R Horniman and A Humble.

**PRESENT BY INVITATION:** Councillor T Furness – Executive for Regeneration.  
Councillor N Walker – Executive Member for Finance and Governance.

**APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Banks, Clynych, Smiles and Wilson.

**\*\* DECLARATIONS OF MEMBERS' INTERESTS**

Name of Member	Type of Interest	Nature of Interest
Councillor McClintock	Non-pecuniary	Agenda Item 6 – Governor at Middlesbrough College – in relation to a discussion point.

**WELCOME AND EVACUATION PROCEDURE**

The Chair welcomed those present and advised that as there were no scheduled tests, should the fire alarm sound, attendees should evacuate the building via the nearest fire exit and assemble at the Bottle of Notes opposite MIMA.

**MINUTES OF THE PREVIOUS MEETING OF THE OVERVIEW AND SCRUTINY BOARD HELD ON 31 JULY 2024**

The Minutes of the previous meeting of the Overview and Scrutiny Board held on 31 July 2024 were submitted and approved as a correct record.

**CORPORATE PERFORMANCE UPDATE – QUARTER ONE 2024/25**

G Cooper, Head of Strategy, Business and Customer provided the Board with an update in relation to corporate performance at quarter one 2024/25.

A copy of the report, and associated appendices, submitted to the Executive on 4 September 2024 had been circulated with the agenda.

The report provided details of progress against corporate performance at Quarter One 2024- 27, providing the necessary information to enable the Executive to discharge its performance management responsibilities against the following performance disciplines:-

- Actions pertaining to decisions approved via Executive reports
- Delivery of the Council Plan 2024-27 and associated outcome measures
- Strategic Risk Register performance
- Programme and Project management performance
- Transformation progress and performance
- Other matters of compliance

Appendix 1 to the report outlined proposed changes to Executive actions (subsequently approved by the Executive), namely revised completion dates for the listed actions.

Appendix 2 to the report outlined the delivery status of the Council Plan 2024-27 supporting workplan as at Quarter One.

Appendix 3 to the report detailed the proposed changes to the Council Plan workplan actions (subsequently approved by the Executive).

Appendix 4 to the report was the Strategic Risk Register.

In summary, the report detailed the following:-

- Overall performance - at the end of Quarter One 2024/25 saw progress towards expected performance standards, achieving three of the five corporate performance disciplines.
- Progress in delivering Executive actions - 30 out of 44 (68%) live actions were reported as on target to be delivered by the agreed timescales. This was a significant improvement from the 48% reported at Quarter Four 2023/24 year end, although still below the 90% expected standard of actions achieved.
- Of those actions not achieved, 11 (25%) were delayed due to external factors beyond the Council's control; and 3 (7%) were delayed due to internal capacity to complete within timescales.
- Progress in delivering the Council Plan 2024-24 – The Council Plan was the Council's overarching business plan for the medium term, setting out the four key priorities of the Mayor for the town.
- Council Plan Outcomes 2024-27 – Overall outcome at Quarter One were reported as 5 out of 39 (13%) outcome measures either improving or static, against the 90% performance standard.
- Council Plan 2024-27 workplan – At Quarter One, performance against the Council Plan workplan was above the corporate standard of 90%, with 98% of all initiatives on target to be achieved in full within approved timescales.
- One initiative was reported as being 'off-track' regarding the refresh of the Information Strategy which had linked dependencies with the development of the organisational Target Operating Model.
- Strategic Risk Register – At Quarter One, the Register contained 14 risks following the review of the SRR against the Council Plan's objectives. This was an increase of two additional risks, namely: Failure to deliver transformation successfully; failure to ensure effective governance of the Middlesbrough Development Corporation. In addition, changes to existing risks were summarised in a table at paragraph 28 of the report.
- Progress in delivering Programmes and Projects – At Quarter One, 100% (21 of 21) programmes/projects within the Council's portfolio remained on track to deliver against project time, cost, scope and benefits – remaining above the expected combined standard of 90%.
- Transformation Progress and Performance – The Council's Transformation Programme 'Recover, Reset, Deliver' was designed to align with the Council Plan. The scope of the Programme and its associated investment aimed to secure the delivery of £21.028m savings approved by Council on 8 March 2024.
- Progress in other corporate performance matters – At the end of Quarter One, no new Priority 1 or 2 audit actions were identified. Of the older actions, 73% were closed in time; a further dip in Freedom of Information Requests and Environment Information Requests responded to within statutory timescales as a result of reduced capacity within the team supporting Member Enquiries; compliance with the legal timescales regarding Subject Access Requests resulted in three being overdue due to increase in volume and complexity of the requests.

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

- Reference was made to Appendix 3 (Council Plan Workplan, proposed amendments at Quarter One), which contained one item – Refresh the Information Strategy to ensure legal compliance in regard to information governance. The Head of Service advised that the issue had been ongoing but was now being developed to make sure sequencing was realigned and updated that things had now begun to move on.
- References were made to Appendix 1, proposed amendments to Executive Actions in the Action Plan for the Middlesbrough Development Company and to the Government pausing of all asset transfers until further notice. It was clarified that the Middlesbrough Development Company was in the process of being closed down and was now in the hands of the liquidators. The transfer of assets referred to was with the Middlesbrough Development Corporation.
- A Member referred to Appendix 2 (page 26), under housing provision meeting local demand “Establish a strategic leadership role for the provision of housing to ensure that the provision aligns with needs” and “Increase pathways offer for homeless households that embody choice, safety and dignity and provide routes into sustainable, long-term accommodation”. It was queried whether the Council had the power to do this. The Director of Regeneration responded that the Council had a role in the strategic development of the local plan and was looking to take a more pro-active role in housing for vulnerable people who would otherwise be homeless. A significant amount was spent on temporary accommodation and this would alleviate spending once crisis point was reached.
- Clarification was sought as to whether this would involve houses being built. The Director responded that there were no proposals to build houses directly but it involved agreements to provide better access to third party housing. As part of that, the Council would be asking for delivery of more affordable housing for certain cohorts with third parties and was working with housing associations on this.

The Chair thanked the Officer for her attendance and the information provided.

**AGREED** that the information provided be noted.

#### **REVENUE AND CAPITAL BUDGET – FORECAST YEAR END OUTTURN POSITION AT QUARTER ONE 2024/25**

A Humble, Head of Financial Planning and Support, accompanied by the Executive Member for Finance and Governance, was in attendance at the meeting to provide Members with an overview of the Council’s financial position at Quarter One 2024/25.

A copy of the report, and associated Appendices, submitted to the Council’s Executive on 4 September 2024 had been circulated with the agenda.

The report enabled the Executive to discharge its financial management responsibilities by setting out:-

- General Fund Revenue Budget forecast outturn at Quarter One
- Statement of the Council’s projected reserves and provisions at Quarter One
- Capital Programme forecast outturn at Quarter One
- Statement of the Council’s borrowing and prudential indicators
- Statement to monitor the level of debt owed to and to be recovered by the Council
- Actions the Council had taken, and planned to take, in order address the issues identified.

The report provided a forecast of the Council’s year-end financial outturn, as at Quarter One 2024/25, and sought approval of budget virements within the revenue budget and revisions to the capital programme in relation to activity in Quarter One.

Key headlines from the report were as follows:-

- The forecast 2024/25 revenue outturn as at Quarter One was a year-end overspend of £3.742m (2.6%), and there was a need to take management action in consultation with the Executive to control expenditure within the approved budget of £143.190m.
- Financial Recovery Plan savings of £1.877m had been identified which, if fully assured and delivered, could potentially reduce the forecast year-end overspend to £1.865m.
- The forecast outturn of £3.742m at Quarter One currently included £2.498m of net savings where there was a high risk that they would not be deliverable in 2024/25. If those remained unachievable at year-end, the £3.5m Exceptional Financial Support (EFS) - agreed in-principle for this - would need to be utilised, and this would attract associated borrowing costs which had been factored into the MTFP.
- The remaining element of the forecast overspend not linked to savings delivery (£1.244m) would need to be funded from reserves.
- Based upon the Quarter One forecast, this would mean that the General Fund Balance would be £11.1m, whilst the balance on useable unrestricted reserves would reduce to £6.5m at 31 March 2025. This would be lower than that recommended by the Director of Finance in the Reserves Policy approved by Council on 8 March 2024.
- The 2024/25 Capital Programme forecast year-end outturn of £99.698m at Quarter One, a reduction of £6.49m from the revised £106.188m budget for 2024/25 - work was taking place to establish improved programme management and control arrangements to achieve more effective management and forecasting of the capital programme going forward.

The Board was advised that the Executive had approved:-

- The revenue budget virements over £250,000, as set out at paragraph 4.13 (and Appendix 3) of the report - It was proposed that where it was determined that the allocated growth was not required in full (and underspending within Directorates had arisen directly from a surplus of budgetary growth provided), the surplus budget was transferred (vired) from Directorates in 2024/25 to be held centrally. The Director of Finance would then assess how this budgetary provision could be applied to best effect to offset the financial pressures arising elsewhere in the Council to meet forecast pressures. The review would be undertaken quarterly throughout the year as refinements to demand and cost modelling were progressed. In Quarter One, the budget adjustments, in summary, were: Concessionary Fares £0.414m; Waste Disposal £0.673m; Integrated Transport Unit £0.732m. These adjustments would be actioned for 2024/25 only with any ongoing adjustments included in the 2025/26 MTFP report to the Executive.
- The inclusion of additional expenditure budgets to the Capital Programme, totalling £8.973m for 2024/25, which were externally funded (detailed in Appendix 9). This would increase the approved 2024/25 Capital Programme budget to £106.188m.
- The proposed virements over £250,000 between schemes in the 2024/25 Capital Programme approved by Council on 8 March 2024 which were funded from within existing Council resources, as detailed at paragraph 4.37 and Appendix 9 of the report - The capital programme currently included £2.589m budget assigned to Middlesbrough Development Company. This was funded by £2.014m of Council funding and £0.575m of Towns Fund grant funding. There was an outstanding dispute with the main contractor at the Boho Bright Ideas project. Once the dispute was settled, approval was requested from the Executive that any balance remaining against the £2.589m budget would be vired to the Housing Growth and De-Risking Sites budgets to replenish this budget for use in future Housing Growth schemes, to maximise the value of future land disposals.

The Executive Member for Finance and Governance highlighted that whilst the Council's financial position remained critical, a significant improvement had been achieved compared to the same period in the previous year, 2023/24, when an £11.5m overspend (9.2%) was identified.

In addition, acknowledging that Children's Services incurred the highest levels of spend, monthly meetings had been established with the Executive Member for Finance and Governance, the Mayor and the Directorate in order to track the ongoing work within the service aimed at improving outcomes and reducing costs, particularly working with families and young people to divert them away from certain behaviours (such as the Shift Programme and Edge of Care Services).

During discussion, the following issues were raised:-

- In response to a query regarding the £3.7m overspend, it was clarified that this was the figure if no further action was taken. There were savings that would be made during this financial year as a result of the Transformation Programme. It was hoped that the overspend figure would be reduced by Quarter Two and this would be reported to the Executive in November.
- Reference was made to Council reserves ideally being 20% of its total budget and it was queried whether this was realistic. It was highlighted that, on 8 March, Council approved the Financial Reserves Policy which proposed that there should be a minimum General Fund Balance of 7.5% of the Net Revenue Budget, equivalent to £11.1m for 2024/25 and that a Financial Resilience Reserve Balance of between £8m and £10m over the term of the MTFP to 2026/27 to strengthen its financial resilience. It was further highlighted that there was a separate dedicated Schools Grant, currently £20m, which could potentially cease at any time.
- A Member referred to the Integrated Transport Unit savings of £732,000 and queried whether this was a one-off saving or year on year. In response it was stated that £2.9m had been built into the budget which appeared to have been an over-estimation. The figures were being revisited in order to take out some growth and the adjustments would be seen in the MTFP together with a projection of costs.
- A Member referred to the Capital Programme Works Slippage (Appendix 10) where slippage in delivery of various schemes had occurred and it was queried, in the instances where slippage had occurred due to "staff capacity", whether work could be contracted out in order to avoid further delays. The Executive Member responded that this was an important question which she would be happy to explore further. In addition, it was highlighted that the Financial Resilience Working Group, would welcome any suggestions and ideas where potential savings could be made. The Group currently invited Group Leaders to its meetings and it was considered that this invitation should be extended to all Elected Members.
- It was queried whether there was any update in relation to reducing expenditure within Children's Services. The Executive Member stated that there was a lot of work ongoing within the Service including reducing the spend on placements and exploring ways of stopping children coming into care in the first place – some of which was being addressed through the Transformation Programme. It was highlighted that for the Quarter Two report, as well as containing information on the overspend at year end, consideration was being given to including what the expenditure would have been if certain actions had not been taken. Additionally, the workforce was beginning to stabilise with the permanent appointment of the Director and some interim appointments now made permanent and two Agency Heads of Service had now become permanent staff.
- Reference was made to Appendix 12, "Council's approach to debt recovery", and page 62 which referenced £6.427m housing benefit overpayment, and it was queried how this was split between landlords and tenants. It was explained that the overpayments had been received by the Council and that Housing Benefit was paid to entitled tenants but in some cases it was paid directly to the landlord, however, it would be the tenant that applied for the benefit so a distinction between landlord and tenant in this category would not be made.

- A Board Member highlighted that there may be cases where the benefit was paid directly to the landlord, and the eligible tenant may have moved on but not notified the landlord and the payments may continue for some time and that there might be an opportunity to make an analysis of the payments between landlord and tenants and the age of the debt. The Head of Financial Planning and Support stated that the overpayment figure had built up over a number of years but had reduced in year and it might be worth considering including in the report in future, what action had been taken as well as providing the figures.
- In response to a query regarding the £6.731m Business Rates, it was confirmed that this was the amount outstanding, however, the figure had stood at almost £8m so £1.67m had been collected.

The Chair thanked the Officer and Executive Member for their attendance and the information provided.

**AGREED** that the information provided be noted.

### **EXECUTIVE MEMBER UPDATE – EXECUTIVE MEMBER FOR REGENERATION**

Councillor Furness, Executive Member for Regeneration, accompanied by the Director of Regeneration, was in attendance at the meeting to provide the Board with an update regarding his portfolio in relation to Regeneration.

The Executive Member advised that the scope of his portfolio was to deliver the Mayor's priorities. Current projects to fulfil this included:-

- Providing fair access to high quality homes. The Council was currently working with Thirteen and North Star Housing.
- Providing access to secure, well-paid jobs. This included re-imagining the town centre to diversify and strengthen the local economy, such as the development of the Livewell Centre, expanding and sustaining the digital sector.
- Strengthening transport links by upgrading the town's train and bus station.

A number of plans and strategies sat within the Executive Member's remit, including the following:-

- As part of the Council's Policy Framework, the first phase of consultation on updating the Local Plan was now complete and the Local Transport Plan was in the process of being updated.
- The Investment Prospectus – grants were relied on to bring empty properties back into use. One example was Church House which was being brought back into use as apartments through the Towns Fund.
- Regeneration Service Plan
- Town Centre Plan – exploring how to diversify the town centre as retail was in decline. The plan would formulate a vision for living, working and leisure within the town centre.
- Housing Strategy – this fed into the Local Plan.

The Board was informed that the relevant services that sat within the Executive Member's portfolio included:-

- Planning
- Community Learning
- Growth
- Property and Commercial Services
- Culture
- Strategic Housing

In terms of economic regeneration, the collective aim was to support businesses to thrive and to support sectors to grow, such as digital and advanced manufacturing. It was important to provide



commercial space for businesses to locate to and expand.

In terms of housing it was important to continue dialogue with house builders in order to provide opportunities to retain the population and in relation to employment it was key to support people to improve their skills and find work.

The Executive Member stated that with investment from the Government in regeneration, there was cause to feel optimistic about the town's future over the coming years.

Updates were provided in relation to the following areas of activity within the Executive Member's portfolio:-

- Cleveland Centre – progress had been made in relation to retail lettings, with TJ Hughes opening in the former H&M unit.
- It was planned to relocate the Middlesbrough Community Learning and Employment Hub from its current location, at the Multi Media Exchange, to the Cleveland Centre. This would provide a more central location within the town.
- Good progress was being made in relation to the refurbishment of the unit to which the Live Well Centre would be relocated. This would complement the Community Learning and Employment Hub whereby facilities could be shared.
- Captain Cook Square – The units in the square were almost fully let with two recent openings - Bazaar restaurant and Funshack soft play.
- Historic Quarter - The A66 repair works were nearing completion and STACK would soon be moving in, creating significant footfall and in close proximity to the railway station where the platform level and concourse works were now complete.
- Old Town Hall – Proposals to restore the Old Town Hall, St Hilda's, would include a contemporary extension to frame the clock tower, along with a wholesale restoration of the original building fabric, if funding was secured.
- MDC – the Asset Transfer was on hold pending the outcome of further review by the Government.

#### **\*\*DECLARATION OF INTEREST**

At this point in the meeting, Councillor McClintock declared a non-pecuniary interest in relation to the point he was about to raise as he was a Governor at Middlesbrough College.

During discussion the following issues were raised:-

- In relation to the Community Learning Service, it was queried whether this should be an area considered to be outsourced to an education provider, such as Middlesbrough College. The Executive Member responded that Community Learning provided an excellent service and had a wide range of contacts in a variety of areas and also had access to funding that the college would not be able to access for certain things.
- It was highlighted that in the future, Middlesbrough College Adult Learning would be relocating to the town centre and it was suggested that consideration be given to locating the Adult Learning element of the Council's Community Learning service alongside each other and to consider some form of partnership working.
- A Member queried how the town centre might look in the future given the move away from retail and more towards leisure and living. The Executive Member stated that many town centres were changing and consideration was needed as to how our town would look in future, for

example, the town now had a thriving digital sector and many people in the sector had a preference for public transport and cycling so this might be something that needed to be factored in.

- Reference was made to the digital economy and it was queried how many people it employed and what level of business rates the Council gained from it. The Executive Member stated that whilst he did not have those figures to hand, one Company had a revenue of almost £1m per month.
- A Board Member felt that Middlesbrough lagged behind other areas in terms of the night-time economy and queried what was being done to address this. The Executive Member stated that the younger generation tended to not go out as much in terms of nightclubs and late bars and that opportunities such as Level X and the planned cinema and other opportunities that could be created for similar businesses would address this.
- A Member of the Board asked whether consideration would be given to building a music arena in Middlesbrough as recent music gigs such as Take That at the Riverside Stadium had brought in more than £1m to Middlesbrough's economy and a dedicated venue would attract people with disposable income to the town. The Executive Member responded that it was something that could be looked at but would be a risk as many venues in other areas were struggling. The regeneration of the historic quarter would be the beginning of attracting people back into Middlesbrough and there were plans to develop this area further as well as Middlehaven.
- In response to a query regarding the timetable for completion of Church House, it was anticipated that completion would be within the next year.
- At the request of the Chair, the Director of Regeneration provided a summary update in relation to the MDC. It was highlighted that the MDC had planning powers and was responsible for determining planning applications within the Mayoral Development Areas. The key issue was the delay in the asset transfer which was now at a standstill. Development plans in Gresham and Middlehaven as well as the projects for the Bus Station/Broadcasting House could not move forward until the governance issues a Teesworks had been resolved, therefore, there was a lot of uncertainty. There were also implications for finalising the local plan.
- In response to a query it was confirmed that the Crown pub was part of the scope for the Gresham plans and it must be included.

The Chair thanked the Executive Member for Regeneration and the Director for their attendance and the information provided.

**AGREED** that the presentation provided be noted.

### **COMMUNITY COHESION – ITEM FOR DISCUSSION**

The Chair asked Members of the Overview and Scrutiny Board to discuss a potential scrutiny topic - Community Cohesion – which had been suggested by the Vice Chair, in light of the riots that took place in the town on 4 August 2024.

It was highlighted that the topic had previously been the subject of a review by the Culture and Communities Scrutiny Panel in 2021 and a copy of the Scrutiny Panel's Final Report had been circulated with the agenda for the Board's information.

Given that the previous review had taken place in 2021, and the fact that both the People and Place Scrutiny Panels had selected topics for their work programmes for 2024/25, it was suggested that a Task and Finish Group, made up of Members of the Overview and Scrutiny Board and led by the Vice Chair, be established to determine the issues it wished to focus on and to perhaps, initially, obtain an update on the recommendations from the 2021 report. Any information obtained would be fed back to the Overview and Scrutiny Board.

**AGREED** as follows:-

1. That a Task and Finish Group be established to explore the topic of Community Cohesion in Middlesbrough.
2. That Councillors Kabuye, Branson and Coupe be appointed to the Task and Finish Group.

### **EXECUTIVE FORWARD WORK PROGRAMME**

The Chair introduced the item for the Board's consideration. A copy of the Work Programme was attached at Appendix A and Members were asked to raise any issues they had in relation to any of the items listed.

In relation to the item "Management and Maintenance of Development Land/Nutrient Neutrality Mitigation", it was acknowledged that a response from the Director of Regeneration had been circulated to Members of the Board. A Member of the Board had subsequently raised further questions arising from the response provided which remained outstanding. It was confirmed that this would be followed up by the Democratic Services Officer.

**AGREED** that the Democratic Services Officer request a response from the Service Area in relation to the further questions raised by a Member of the Board in relation to Nutrient Neutrality and that any subsequent responses be circulated to Members of Overview and Scrutiny Board.

### **SCRUTINY CHAIRS' UPDATES**

#### Place Scrutiny Panel

The Chair of Place Scrutiny Panel, Councillor Branson, updated the Board that the Panel met on 2 September and had decided to establish two Task and Finish Groups to examine two separate issues – Empty Properties; and School Transport Costs.

The Panel met again on 23 September specifically to consider the Draft Final Report of the Environment Scrutiny Panel in relation to Waste Management. The Panel determined the conclusions and recommendation for inclusion within the report and this would be submitted to the Overview and Scrutiny Board on 23 October 2024.

The Panel's next meeting was scheduled for 7 October.

#### People Scrutiny Panel

In the absence of the Chair, the Democratic Services Officer had prepared an update advising that the Scrutiny Panel had met on 16<sup>th</sup> September and agreed its Work programme for Municipal Year as follows:-

- Children Missing from Education
- Homelessness
- Obesity

Due to the timescales involved, a report for OSB's attention would be submitted to the October meeting of OSB.

The Panel also received an overview of Children Missing from Education from the Head of Service. The next meeting was scheduled for 14 October when Terms of Reference for the review of Children Missing from Education would be determined.

The Democratic Services Officer attended South Tees Health Scrutiny Joint Committee on 23 September. Members agreed that future meetings would be held on an 'ad-hoc' basis at the

request of the Chair.

The Democratic Services Officer attended a meeting of the Tees Valley Health Scrutiny Joint Committee on 19 September. The issues discussed included updates on: Respite Care/Adult Learning Disability Service; the TEWV Community Mental Health Transformation; Tees Valley Community Diagnostic Centre. Determination of the Committee's Work Programme was deferred to the November meeting.

**AGREED** that the information provided be noted.

### **ANY OTHER BUSINESS**

#### Waste Collections

A Member of the Board requested that the Director and Executive Member for Environment be invited to attend a meeting of Overview and Scrutiny Board to provide an update in relation to waste collections.

It was highlighted that there was a schedule of Executive Member attendance (accompanied by their respective Directors) at Overview and Scrutiny Board meetings, however, Environment was not scheduled until February next year. Enquiries would be made as to whether it would be possible for the Director to attend the next meeting.

**AGREED** that enquiries be made in relation to the availability of the Director of Environment to provide an update to the Board in relation to waste collections.

**OVERVIEW AND SCRUTINY BOARD**

A meeting of the Overview and Scrutiny Board was held on Monday 30 September 2024.

**PRESENT:** Councillors J Kabuye (Vice-Chair in the Chair), J Banks, D Branson, E Clynch, D Coupe, J Ewan, L Henman (Substitute for I Blades), B Hubbard, L Lewis, I Morrish, M Saunders and G Wilson

**PRESENT BY INVITATION:** Councillors T Furness and T Livingstone

**ALSO IN ATTENDANCE:** Mr. W Tovey (Nunthorpe Parish Council)

**OFFICERS:** S Bonner, M Brown, C Cunningham, J Dixon, R Horniman and S Gilmore

**APOLOGIES FOR ABSENCE:** Councillors I Blades, M McClintock and M Smiles

24/25 **DECLARATIONS OF INTEREST**

Name of Member	Type of Interest	Nature of Interest
Councillor Ian Morrish	Non-Pecuniary	Submitted a Call In request for the same decision. Cllr Morrish stated he could approach the Call In with an open mind.

24/26 **CALL IN - DISPOSAL OF LAND AT NUNTHORPE GRANGE**

The Chair welcomed everyone to the meeting and stated the reason for the Overview and Scrutiny Board meeting was to consider a Call In submitted by Councillor Morgan McClintock. The decision being called in was made by the Executive Sub Committee for Property on 4 September 2024 relating to the disposal of land at Nunthorpe Grange.

The Chair provided an outline of how the Call In would proceed; the Councillor proposing the Call In (Cllr Tom Livingstone on behalf of Cllr Morgan McClintock) would be afforded 15 minutes to present to the Call In and this would include any statements from witnesses. At the end of the 15-minute presentation the Executive Member for Regeneration would have the opportunity to question the proposing Councillor for 5 minutes, this could include input from officers from the relevant service area, in this case the Director of Regeneration.

The Executive Member for Regeneration and the service area would then have 15 minutes to provide the reasons for the decision after which the proposing Councillor would have the opportunity to question the Executive Member for 5 minutes.

The Overview and Scrutiny Board (OSB) would then be given the opportunity to ask the proposing Councillor and Executive Member questions and to debate the matter.

After this the Call-In proposer and the Executive Member would be given 5 minutes each to sum up. OSB would then vote on whether the decision should be sent back to the Executive Sub-Committee for Property.

The Chair invited the Call-In proposer to provide the case to OSB. During the presentation the following points were made:

- The question posed to OSB was whether sufficient alternatives were offered to the Executive Sub Committee for Property on 4 September.
- The decision made at that meeting was the private treaty sale of land at Nunthorpe Grange to a housing developer.

- The three alternatives proposed as part of the decision were described.
- The first two options were dismissed by Executive immediately as not viable with the third classed as viable but not appropriate given the Council's financial position.
- As such, OSB needed to determine if the alternatives listed in the Executive report were the only ones available.
- The Call-In proposers did not think these were the only alternatives.
- Other example alternatives included the Council testing the market for a competitive process. The Council had received an offer higher than what the land was valued at, and the offer had been on the table for at least three months. As such there had been time to test the market to understand if other developers could offer the same, or higher level.
- By doing this there was the possibility other developers would approach the Council with similar offers and to accept the risks associated with the land.
- There was time to do this when the decision was made on the 4 September, however this was not mentioned during the Executive meeting.
- A potential argument for this option not being offered was the possibility of the buyer withdrawing. However, by having a competitive process there could have been more offers brought forward or the original bidder would have remained in the process.
- The point was not to discuss the merits of this proposal, instead it was to discuss why this, and other alternatives, were not discussed at the Executive Sub Committee for Property meeting.
- Another example of an alternative was to sell the land after the Masterplan had been refreshed. This would not have significantly delayed proceedings and could have been completed by the October sale deadline. The framework for the Masterplan was already in place but there seemed to be resistance to make progress.
- The local community was frustrated by the Council's lack of pace in this regard.
- The impact of the Masterplan on the local community needed to be considered. There were many people whose primary interest was if the development was suitable for the area.
- The concerns of the local community may have been mitigated had the Council refreshed the Masterplan.
- This alternative was not brought forward for Executive consideration.
- The alternative of testing the market would be generally undertaken by local authorities when selling land.
- If the alternative of refreshing the Masterplan was adopted it would have provided any developers a clear framework.
- The issue of value for money was relevant to the Executive, especially given the Council's financial position. The importance of value for money outweighed the need to sell the land quickly.
- The local community, including organisations such as the Parish Council and Nunthorpe Vision, had been working with the Council to try and bring forward the Masterplan for some time. It would have a detrimental impact on those relationships if work on the Masterplan was discarded.
- Overall, the Executive were not provided with sufficient alternatives when making the decision.

At this point a representative of Nunthorpe Parish Council addressed the Board and made the following points:

- They acted as the lead for the Nunthorpe Parish Council on the Nunthorpe Neighbourhood Plan.
- Nunthorpe Vision was hoped to improve communications between the Council and Nunthorpe communities.
- Nunthorpe had experienced other land sales which had not produced agreed objectives.
- The issue of Nunthorpe Grange had been discussed two years prior, however there had been little discussion about the Masterplan, save for a meeting in July.
- The Neighbourhood Plan that had been produced identified the land at Nunthorpe Grange as including a Care Home. There was an awareness the land would be sold as it was a capital asset. There was confusion, however, about the apparent avoidance of the Best Value tendering process.

- There was not a question of creating a new Masterplan, as one already existed. It was a question of refreshing the existing Masterplan and making sure it was in place before any development took place.

The Executive Member for Regeneration was offered the opportunity to ask questions of the Call-In proposer.

The Executive Member queried what the intention of the Call In was. It was clarified the Call-In was to examine if sufficient alternatives had been presented to Executive as part of the decision.

The Executive Member for Regeneration, accompanied by the Director of Regeneration, was invited to respond to the Call-In and made the following points:

- The Masterplan was not a requirement for the decision to be taken, despite it being best practice.
- There was an existing Masterplan in place for Nunthorpe which was being revised.
- The Masterplan would, however, be in place prior to any developers moving onto the site and would be completed by January 2025.
- The revision of the Masterplan would largely focus on changing layouts.
- The developer in question was aware of the Masterplan and that it was undergoing revisions.
- There was a financial pressure involved as there was potentially a long time between the offer being accepted for the land and the capital receipt being received. As such, going out to market sounded easy but was a very time-consuming process. Consequently, the option put forward was the most appropriate.

The Call-In Proposer was invited to pose questions to the Executive Member.

The Call-In Proposer queried if other offers had been received for the land. It was clarified that several approaches had been made and that an additional offer, to that cited in the Executive report, had been made. However, any offers entailed long processes before any sale could be finalised. To hold on to the land in the hope of finding a better offer would have carried risk and ongoing costs.

If the sale of the land was immediate the developer would be accepting the current Masterplan, so it was asked if the developer would build according to it. It was clarified the land was sold as seen and the developer was aware of the Masterplan. It was also clarified that future development would need planning approval which would define the development on the land.

The Chair then invited OSB to debate the issue and to ask questions of either the Call-In proposer or Executive Member.

A Member sought clarification that the developer would need to adhere to the revised Masterplan as part of the planning application process. The Executive Member clarified this was the case.

In terms of Best Value, it was queried if the Council had achieved this especially in terms of Nutrient Neutrality. It was clarified the cost would be unknown until a planning application was received, This would detail the types of housing and how they offset Nutrient Neutrality and would be the case irrespective of who bought the land.

A Member stated that, given the number of prospective units on the site at a cost of approximately £5,000 per unit, this could cost the Council approximately £800,000 regarding Nutrient Neutrality. The Member queried if the Council had calculated this cost as part of the decision. It was reaffirmed that irrespective of buyer, without a planning application there was no way to definitively know what the costs of Nutrient Neutrality and Bio-Diversity would be.

A Member queried if the land had been made available to buy previously. It was confirmed the land had been brought to developers' attention at several housing seminars. Following this the Council had received several unsolicited approaches. It was also queried if the land had been valued at that point, and it was confirmed this was the case.

The Executive Member also confirmed the land was sold for housing. A Member queried when other offers were received and if there was more than one additional offer to that cited in the

Executive report. It was clarified there had been several approaches over the years with those approaches advising the Council what they thought the land was worth rather than making a bid. However, an additional formal bid had been received after the Executive report had started its approval journey. That offer had been significantly less than the original bid.

A Member queried if the Council could have waited to see if higher bids were submitted. It was commented that while this was theoretically possible it would have taken a significant amount of time to achieve as other developers would need to spend time and money undertaking due diligence on the land. However, the bid that was part of the decision had already undertaken due diligence and was factored into that bid.

A Member queried if it was normal practice to go to open market for land sales. It was clarified this was normal practice, but it was also normal practice to receive unsolicited offers. While the standard practice was for the Council to prepare the land before moving to the open market, thereby removing risk, there were also occasions when developers were prepared to purchase land without this because there was an industry need. In the case of Nunthorpe Grange, the industry was aware of the opportunity the land presented and one developer decided to make an attractive offer.

It was queried if the sale of the land was driven by the Transformation agenda. It was commented the amount of money offered for the land was originally expected to have been gathered over a longer period, potentially eight years. However, the offer that was received meant the same amount could be received instantly and therefore the Executive Member was prepared to submit it to Executive.

In terms of best value assurance, it was asked how confident the Council was given the private treaty approach rather than open market. It was commented that, given the offers the Council had received the accepted bid was best value.

With reference to the Masterplan, a Member queried if it would have been preferential to revise to the Masterplan before the land was sold. The Executive Member stated the Masterplan was separate to the sale of the land and was not a material consideration of the decision.

At this point a Member commented they had heard sufficient information during the debate. They stated the Call In centred around sufficient alternatives within the Executive report and listed the options it listed. They also summarised the example alternatives proposed by the Call-In proposer. The Member stated that, while one of the proposed alternatives was to refresh the Masterplan before the sale of the land, this was not incumbent on the sale and was a Planning consideration. In terms of best value, the Council knew what the value of the land was and had effectively tested the market by making the industry aware of the land at housing seminars. Ultimately the sale of the land showed a housing developer had confidence in the town. Based on what had been discussed to that point in the meeting there was no need to refer the matter back to Executive.

A Member commented that given the offer received, the potential Council Tax income and additional cost savings was delaying the decision worth the risk of losing the current offer. The Call-In proposer reminded OSB the purpose of the Call-In was to consider if sufficient alternatives had been submitted as part of the decision. The Call-In proposer also commented that the matter of best value was not relevant to the Call-In meeting.

A discussion took place regarding access to the exempt information that formed part of the Executive decision. It was confirmed that only one other OSB Member had seen this information due to their submission of a different Call-In request on this decision.

A Member queried if the valuation of the land was correct. It was clarified the valuation had been undertaken properly and that other valuations had been undertaken over several years which had been broadly similar. As such the Council was confident the valuation was robust.

A Member commented that the issue of the Masterplan was subject to Planning approval and was confident that a refreshed Masterplan would be complied with. They also commented there was no evidence the deal had been underhand.

The Call-In proposer reminded OSB that the value of the deal was not relevant and that OSB should consider if sufficient alternatives were offered as part of the report.



The Executive Member commented the report would not have been submitted to the Sub-Committee had they not been confident it was the best deal for Middlesbrough.

Further discussion took place during which a Member commented the alternatives put forward by the Call-In proposer were not viable for the reasons previously discussed in the meeting and that the options in the Executive report were sufficient.

The Call-In proposer responded that the alternatives proposed during the the Call-In meeting may not have been viable but were not offered as part of the Executive decision.

The representative for Nunthorpe Parish Council stated the land in question could only be sold once, and the residents of Nunthorpe were keen to see a refreshed Masterplan before the land was sold.

The Chair invited the Executive Member for Regeneration to summarise their position.

The Executive Member stated there were sufficient alternatives as part of the Executive report and had addressed the matter of best value as part of the Call-In. The Masterplan was not a material factor in the decision and was, instead, a planning consideration. Any future planning application would need to adhere to the future Masterplan. The Executive Member, and all of Executive were confident the report and the decision were robust.

The Chair invited the Call In Proposer to summarise their position.

The Call-In proposer stated the decision before OSB was whether sufficient alternatives were offered as part of the Executive report. If OSB had any doubts the decision should be referred back to the Executive. There was no intention to scrap the deal, it was a matter of achieving value for money. In terms of the Masterplan, it had been stated it was best practice to refresh the Masterplan before the land was sold. Therefore, it was important to consider every alternative before a decision was made. Some residents had negative experiences with developers and it would be naïve to assume developers would adhere to a refreshed Masterplan.

**ORDERED** that the decision is not referred back to the Executive.

24/27

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

None.

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**MIDDLESBROUGH COUNCIL**

<p><b>OVERVIEW AND SCRUTINY BOARD</b>  <b>23 OCTOBER 2024</b></p> <p><b>FINAL REPORT OF THE ENVIRONMENT SCRUTINY          PANEL</b></p>
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## **AIM OF THE INVESTIGATION**

1. The aim of the investigation was to examine 'Waste Management' in Middlesbrough, focussing particularly on increasing recycling rates in Middlesbrough - ensuring targets are met whilst minimising costs.

## **COUNCIL PLAN – VISION AND PRIORITIES**

2. The scrutiny of this topic fits within the following vision and priorities of the Council Plan:-
  - A Healthy Place – Protect and improve our environment
  - Safe and Resilient Communities – Promote new ideas and initiatives
  - Delivering Best Value – Set a balanced revenue budget and MTFP restoring financial resilience and sustainability.

## **TERMS OF REFERENCE**

3. The terms of reference for the Scrutiny Panel's investigation were as follows:-
  - A) To examine the current position regarding waste and recycling collection and disposal in Middlesbrough, including performance data and targets and how these compare locally and nationally.
  - B) To explore how Middlesbrough can increase its recycling rates, and reduce residual waste, to achieve national targets whilst minimising costs.
  - C) To gain an understanding of the legal and policy framework in which the Council must operate, in terms of all types of waste collections and associated enforcement activity.
  - D) To examine the current position in Middlesbrough regarding the collection and disposal of bulky waste (junk jobs) and fly-tipped waste, including performance data and targets and how these compare locally and nationally, and, if appropriate, how this can be improved.
  - E) To consider how Middlesbrough can prepare for, and comply with, compulsory food waste collections once introduced.
  - F) To identify best practice and ideas from other local authorities that have good recycling rates.

## **BACKGROUND INFORMATION/SETTING THE SCENE**

### **Waste Management**

4. Waste Management is a general term for a range of services which includes the collection and disposal of refuse and recycling. The materials are varied and disposed of in different ways depending upon the type of waste.
5. Local authorities are required to comply with a wide range of waste and recycling legislation.
6. Waste is generated from a variety of sources across the UK, including: the public sector, commercial businesses, industry, agriculture, mining, forestry, fishing and households.
7. Local authorities have statutory duties to arrange for the collection and deposit of household waste in their area. In undertaking these duties, local authorities offer access to waste services to householders such as kerbside collections, bulky collections and household waste recycling centres (HWRC). Local authorities also have duties to arrange for collection of commercial waste from premises in their areas (if requested) and ensure highways and roads are kept clean from litter and refuse.

8. Local authorities are required to report information on the types and quantities of waste they collect through undertaking these duties and this information is reported in a web-based system called WasteDataFlow. This is the data source used to produce 'waste from households', 'household' and 'local authority collected municipal waste' (referred to as 'local authority collected waste in England') for National and UK waste statistics. All other waste generated in the UK is collected and managed by private sector companies and is, therefore, excluded from household and local authority collected municipal waste statistics. (This includes where a householder makes alternative arrangements for removing waste from their home such as private waste skips).

### **Consistency in Household and Business Recycling in England - Consultation**

9. In 2021, the Department for Environment, Food and Rural Affairs (DEFRA) opened a consultation on "Consistency in Household and Business Recycling in England", which ran for 8 weeks.
10. Increasing consistency in recycling will reduce confusion in the materials that can be collected for recycling at the kerbside. Following on from a previous consultation in 2019, this consultation detailed specific policy proposals for increasing consistency in recycling collected from households, businesses and other organisations. DEFRA asked what people thought about the materials included in each recyclable waste stream, exemptions, statutory guidance and transition timelines for local authorities and businesses and also sought views on other areas of the policy to enable recycling consistency to be implemented successfully.
11. The Government response to the consultation was published in November 2023. In summary, it outlines that it wants to make it easier to maximise use, minimise waste and to drive up recycling rates.
12. Household recycling rates in England have increased from an average of **11%** in 2000/01 to an average of **42%** in 2021/22, however, rates have plateaued in recent years at around **42% to 44%**. To address this, the Government stated it would repeal EU-derived waste collection requirements and introduce improved, simplified requirements through the Environment Act 2021.
13. The intention of the new regulations introduced by the Environment Act 2021 is to drive up recycling rates across England. The consultation took on board concerns expressed by Councils and householders regarding the risk of multiple bins cluttering the streets as it had proposed that recyclable materials should be collected individually and not co-mingled. Therefore, having assessed the highest performing Councils on recycling rates, it proposed to introduce exemptions to allow all Councils in England to offer just three waste containers (bins, boxes or bags) for: dry recycling; food waste; and residual (non-recyclable waste). This will allow Councils to provide a co-mingled recycling service – collecting all dry recycling materials together – as is the case in Middlesbrough.
14. Subject to consultation with relevant parties, the exemptions will be confirmed in regulations to ensure that no Council will be required to provide seven different bins. An optional garden waste collection will be offered to all households.
15. The new requirements will be as follows:-
- all local authorities in England must collect the same recyclable waste streams for recycling or composting from households. The recyclable waste streams include paper and card, plastic, glass, metal, food waste, and garden waste.
  - all non-household municipal premises in England (such as businesses, schools and hospitals), must make arrangements to have the same set of recyclable waste streams (with the exception of garden waste) collected for recycling or composting, and must present their waste in accordance with the arrangements.

## EVIDENCE GATHERED

### Term of Reference A – To examine the current position regarding waste and recycling collection and disposal in Middlesbrough, including performance data and targets and how these compare locally and nationally

#### Local Authority Collected Waste Management – National Context

16. On 31 January 2024, Defra<sup>1</sup> published the final annual results for local authority collected waste management for England. It covers annual final estimates for waste collected by local authorities in England and the regions based on data submitted by all local authorities in England to [WasteDataFlow](#) on the waste they collect and manage.
17. There are three main local authority waste recycling measures (and recycling rates) presented in the National and Official statistical publications and datasets which are calculated from waste collection and disposal tonnages:-
  - “Waste from households” - Waste collected kerbside from Households and HWRC, bring banks, etc.
  - “Household waste” - As for Waste from Households plus waste collected via other local authority waste activities such as street cleaning, parks and grounds, street bins, etc.
  - “Local authority collected municipal waste” - As for Household plus non household waste and any commercial waste collected and managed by local authorities. (Essentially all waste collected by local authorities).
18. Waste management is a complicated matter as waste is collected from householders and businesses via different waste collection methods and is sent to facilities for storing, sorting and treatment throughout the UK prior to it being recycled or disposed of. The waste is sent to a variety of different waste facilities depending on the method of collection, type of waste and available infrastructure. Local authorities work with their contractors and the waste industry to track their waste as pragmatically as possible.

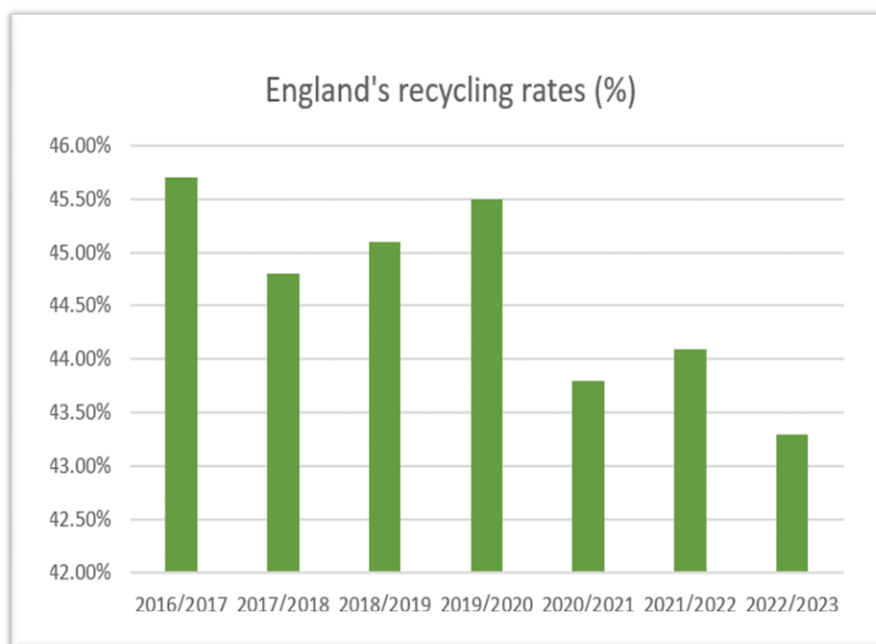
#### Recycling – National Context

19. In terms of recycling, the tonnage of waste ‘sent for (preparing for) reuse, recycling and composting (including anaerobic digestion)’ is that which is accepted by the re-processor. Local authorities report the tonnage of material by type (glass, paper etc) with the details of the re-processor it was sent to. At this point material will exclude any recycling rejects (for example due to contamination) that occur during collection, sorting or further treatment. Waste diverted for recycling from the residual (or ‘black bag’) waste stream by further processing is included in recycling tonnages.
20. Recycling targets set by Government were to achieve **50%** by 2020 and **65%** by 2035. In 2020, the national ‘waste from households’ (the official recycling measure used as the basis for reporting at a UK harmonized level) was **44%**, meaning that the 50% target was missed. The national 44% recycling rate had also reduced from the previous year (2019) when it was **45.5%**.

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<sup>1</sup> Defra – Local Authority Collected Waste Management – Annual Results 2022-23

21. The latest published statistics by Defra show that the recycling rate in England fell further by **0.7%** to **43.4%** in 2022/23, from **44.1%** the previous year (2021/22).



22. There was an overall decrease in 'waste from households' in England in 2022 to **21.5 million tonnes**, down **7.9%** from **23.1 million tonnes** in 2021 – with **12.1 million tonnes** of residual waste being treated in 2022, down from **12.9 million tonnes** in 2021, a decrease of **6.0%**.
23. This figure excludes local authority collected waste considered not to have come directly from households, such as street bins.
24. **5.5 million tonnes** of dry recycling was collected in England in 2022 - a decrease of **0.4 million tonnes**, or **7.1%**, from 2021. Organic waste sent for recycling also decreased by **12%** (to **3.7 million tonnes**) over the same period.
25. The table below shows the composition breakdown and recycling rate of 'Waste from Households' in England between 2018 and 2022, (thousand tonnes):-

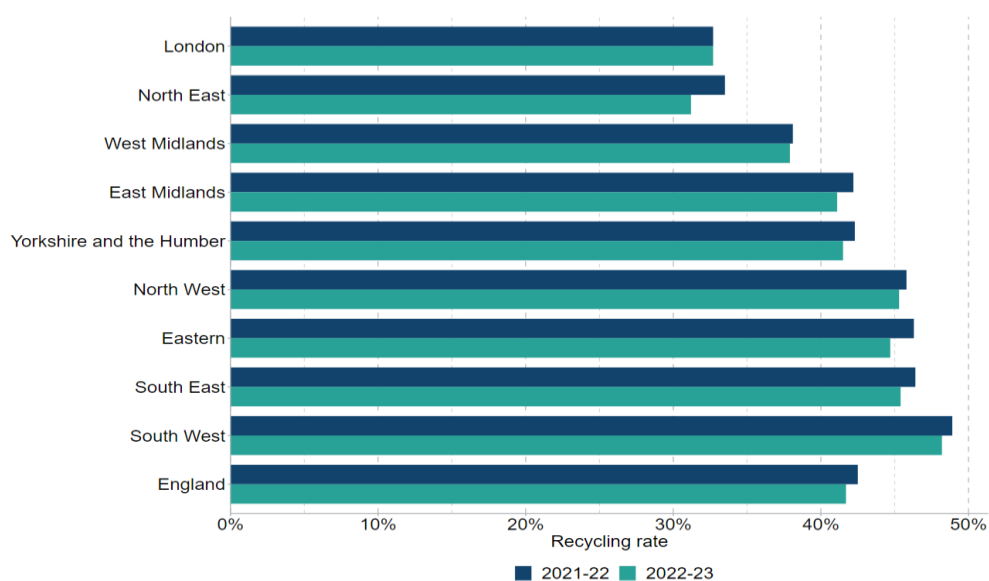
Waste type	2018	2019	2020	2021	2022	% change 2022 over 2021
<b>Total Recycling</b> of which:	<b>9,840</b>	<b>10,054</b>	<b>9,935</b>	<b>10,200</b>	<b>9,322</b>	<b>-8.6%</b>
• Dry recycling of which:	5,866	5,874	5,871	5,969	5,546	-7.1%
• IBA Metal	187	201	222	228	222	-2.6%
• Separately collected food waste	414	437	485	512	499	-2.6%
• Other organics recycling	3,561	3,743	3,579	3,718	3,277	-11.9%

Waste type	2018	2019	2020	2021	2022	% change 2022 over 2021
Total Residual	12,160	11,993	12,616	12,901	12,125	-6.0%
Total waste from Households	22,033	22,074	22,586	23,120	21,466	-7.2%
Waste from households recycling rate (including IBA metal)*	44.7%	45.5%	44.0%	44.1%	43.4%	-0.7 percentage points
Waste from households recycling rate (excluding IBA metal)*	43.8%	44.6%	43.0%	43.1%	42.4%	-0.7 percentage points

\*IBA – Incinerator bottom ash.

### Household Waste

26. Household waste is the same as waste from households *plus* waste collected via other local authority waste activities such as street cleaning, parks and grounds, street bins, gully emptying, soil and compost-like output, etc.
27. There is considerable variation across local authorities in England which is influenced by population, housing type, and the level of other organic or garden waste collected. For example, residents living in built-up areas with a higher proportion of flats and terraced properties, may find it difficult or be unwilling to store waste for recycling, and will not produce garden waste for collection. This will reduce recycling rates for these authorities. Similarly, authorities with higher recycling rates are likely to be advantaged by good householder response to recycling schemes and a higher tonnage of organic or garden waste being collected.
28. This table shows 'Household waste' recycling rates for England and regions, 2021/22 and 2022/23.



29. It can be seen that the South West region had the highest rate 'household waste' recycling rate in 2022/23 at **48.2%**. The North East had the lowest 'household waste' recycling rate in 2022/23 at **31.2%**.



30. All regions had decreases in their recycling rates, except for London which remained unchanged. The North East region had the largest decrease of **2.3%**.

### Local Authority Collected Waste

31. Local authority collected waste consists of 'household waste', *plus* non-household waste and any commercial waste collected and managed by local authorities. It is, essentially, all waste collected by local authorities.
32. Total local authority managed waste in 2022/23 was **24.5 million tonnes**, down by **1.6 million tonnes** (6.0%) from 2021/22.
33. In 2022/23, **1.8 million tonnes**, or **7.2%**, of all local authority collected waste was disposed of via landfill. This was a decrease of **16% (0.3 tonnes)** from the previous year.
34. In 2022/23, **49.1%** of all local authority waste was incinerated. This was a total of **12.1 million tonnes**, and a decrease of **0.3 million tonnes (2.8 %)** from 2021/22.
35. The amount of local authority collected waste sent for recycling in 2022/23 was **10 million tonnes**, down **0.8 million tonnes** from 2021/22. Waste sent for recycling comprised **40.7%** of all local authority waste, a decrease of **0.8%** from 2021/22.

### Waste Collection and Disposal in Middlesbrough

#### Residual Waste – Current Arrangements

36. Middlesbrough's household residual waste is collected on a weekly basis, with the majority of households using a smaller 140 litre wheeled bin. Initially, the provision of smaller residual waste bins, combined with the provision of a full-sized (240 litre) wheeled bin for recycling, had seen a jump in recycling rates from around 25% to 33%. This had reduced and plateaued at around 30%.
37. Middlesbrough is one of a few local authorities in England that currently carries out weekly collections, with the majority now being fortnightly. In Wales, 11 of its 22 local authorities now carry out residual waste collections on a three-weekly cycle, with one authority carrying out collections on a monthly basis.
38. A proportion of Middlesbrough's households did not have wheeled bins due to being terraced properties. An alternative system was in place whereby residents either shared communal waste bins or used black refuse sacks or clear plastic bags for recycling collection systems. There are approximately 15,000 homes on back alley collections.
39. Middlesbrough's household residual waste is currently disposed of at the Haverton Hill Incinerator, or Energy from Waste Plant (EfW) operated by Suez. Three other Tees Valley local authorities- Stockton, Redcar and Cleveland and Hartlepool – also use this facility. Consequently, Middlesbrough sends very little waste to landfill.
40. Residual waste disposal costs are considerably higher than those for recycling waste disposal and this is set to rise, placing significant budgetary pressures on the Council's finances.
41. The Government has set ambitious national waste targets and by 2035 appropriate measures must be in place to ensure:-
- The preparation for reuse and recycling of municipal waste is increased to a minimum of 65% (by weight).

- The amount of municipal waste sent to landfill is reduced to 10%, or less, by weight, of the total amount generated. (Middlesbrough already meets this target easily).

42. The following table shows the tonnage of household waste collected in Middlesbrough and other North East Councils from 2018/19 up to 2022/23. Middlesbrough collected an average of **63,771.58 tonnes** of household waste for the period 2018-2023. This is below the regional average of **75,820.50 tonnes**.

Authority	Tonnage HH Waste Collected (Waste Data Flow)						Average 2018-2023
	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24 (Qtr 1)	
Darlington Borough Council	43,193.57	43,666.53	48,231.99	46,203.07	44,718.98	No Data at Present	45,202.83
Gateshead MBC	86,960.32	86,910.60	90,663.26	90,004.95	85,593.94	24,416.70	88,026.61
Hartlepool Borough Council	39,765.64	38,817.67	38,575.71	39,552.21	36,989.25	9,920.19	38,740.10
Middlesbrough Borough Council	61,863.53	63,061.73	64,608.10	64,433.14	64,891.42	17,712.77	63,771.58
Newcastle-upon-Tyne City Council MBC	108,592.67	110,612.35	114,226.91	110,679.85	106,007.02	No Data at Present	110,023.76
North Tyneside Council	85,860.90	85,256.56	93,088.82	89,955.44	82,974.95	23,269.68	87,427.33
Redcar and Cleveland Borough Council	56,747.46	55,919.77	60,591.83	57,865.98	53,790.38	15,925.82	56,983.08
South Tyneside MBC	65,702.55	66,790.92	73,581.04	66,859.03	62,336.35	17,094.17	67,053.98
Stockton-on-Tees Borough Council	82,501.73	84,035.77	91,751.49	88,049.51	83,058.92	23,694.09	85,879.48
Sunderland City Council	113,003.97	113,613.11	120,116.67	117,816.04	110,931.34	32,089.41	115,096.23
<b>Average</b>	<b>74,419.23</b>	<b>74,868.50</b>	<b>79,543.58</b>	<b>77,141.92</b>	<b>73,129.26</b>	<b>20,515.35</b>	<b>75,820.50</b>

#### Recyclable Waste (Dry recycling) – Current Arrangements

43. Recyclable waste is collected at the kerbside on a fortnightly basis in Middlesbrough. Residents are provided with a 240 litre wheeled bin and, as collection of materials is co-mingled, there is no requirement for residents to pre-sort materials prior to collection.
44. There are some exceptions to the wheeled bin kerbside recycling collection scheme, such as terraced properties with back alleys, however, recycling can be placed in clear plastic sacks for collection on the allocated days.
45. The materials collected, known as 'dry recycling' comprise of: paper, cardboard, plastic, metal and glass.
46. Recyclable waste is disposed of at various sites, depending upon the material. For example, Middlesbrough's dry recycling is disposed of via Cumbria Waste's recycling plant in South Bank. Items such as furniture, mattresses and electrical goods must all be disposed of separately at different sites in accordance with relevant legislation, where applicable.
47. Three Members of the Scrutiny Panel undertook a site visit to Cumbria Waste on 19 December 2023 and reported back in relation to the processes undertaken at the plant and how useful and powerful it had been to witness what happens to our recycling first-hand.
48. Middlesbrough collects around **10,000 tonnes** via kerbside recycling collection per annum. This equates to a recycling rate of **30 to 33%** (following the removal of contaminated recyclate). Recycling rates from areas with communal bins in alleyways is generally poor.
49. In terms of Middlesbrough's North East neighbours, Redcar and Cleveland Council currently has the best recycling rates of the Tees Valley Councils at approximately **38.7%**, however, this has fallen from more than **40%**. Stockton Council has the lowest recycling rate of approximately **24-25%** and also operates weekly residual waste collections. This tends to support the theory that in general,

and on a national basis, there appears to be a correlation between weekly residual waste bin collections and poorer recycling rates.

50. Middlesbrough also has high contamination rates of **40% and above**. Contaminated recycling waste is redirected to the incinerator for which the Council must effectively pay disposal costs twice, plus transport costs.
51. The tables below show the amounts of Household Collected Waste sent for re-use, recycling or composting for Middlesbrough and other North East Councils from 2018/19 up to 2022/23 in tonnages, with the second table showing the amounts as percentages.

Authority	Tonnage HH waste sent for Reuse, Recycling or Composting (Waste Data Flow)						Average 2018-2023
	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24 (Qtr 1)	
Darlington Borough Council	17,195.98	17,812.02	16,949.27	14,968.05	14,182.80	No Data at Present	16,221.62
Gateshead MBC	27,485.85	27,795.04	29,239.80	28,561.12	27,137.75	9,287.61	28,043.91
Hartlepool Borough Council	12,921.85	13,217.08	11,625.35	12,892.90	11,115.72	2,982.14	12,354.58
Middlesbrough Borough Council	20,718.27	19,964.92	18,447.74	19,169.47	14,989.51	5,572.15	18,657.98
Newcastle-upon-Tyne City Council MBC	41,129.40	44,513.07	46,346.71	40,605.25	27,152.81	No Data at Present	39,949.45
North Tyneside Council	29,497.88	31,468.59	33,712.77	31,621.15	26,574.92	8,921.63	30,575.06
Redcar and Cleveland Borough Council	21,836.90	22,520.73	22,594.01	22,076.91	16,265.53	5,646.91	21,058.81
South Tyneside MBC	20,199.17	21,378.52	22,649.14	21,641.04	19,333.41	6,302.95	21,040.25
Stockton-on-Tees Borough Council	21,797.57	22,265.03	22,297.35	22,591.68	20,890.15	6,837.45	21,968.36
Sunderland City Council	30,671.97	31,040.94	33,746.19	35,146.24	33,453.40	10,549.32	32,811.75
<b>Average</b>	<b>24,345.48</b>	<b>25,197.59</b>	<b>25,760.83</b>	<b>24,927.38</b>	<b>21,109.60</b>	<b>7,012.52</b>	<b>24,268.18</b>

Authority	Percentage HH waste sent for Reuse, Recycling or Composting (Waste Data Flow)						Average 2018-2023
	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24 (Qtr 1)	
Darlington Borough Council	39.8%	40.8%	35.1%	32.4%	31.7%	No Data at Present	36.0%
Gateshead MBC	31.6%	32.0%	32.3%	31.7%	31.7%	38.0%	31.9%
Hartlepool Borough Council	32.5%	34.0%	30.1%	32.6%	30.1%	30.1%	31.9%
Middlesbrough Borough Council	33.5%	31.7%	28.6%	29.8%	23.1%	31.5%	29.3%
Newcastle-upon-Tyne City Council MBC	37.9%	40.2%	40.6%	36.7%	25.6%	No Data at Present	36.2%
North Tyneside Council	34.4%	36.9%	36.2%	35.2%	32.0%	38.3%	34.9%
Redcar and Cleveland Borough Council	38.5%	40.3%	37.3%	38.2%	30.2%	35.5%	36.9%
South Tyneside MBC	30.7%	32.0%	30.8%	32.4%	31.0%	36.9%	31.4%
Stockton-on-Tees Borough Council	26.4%	26.5%	24.3%	25.7%	25.2%	28.9%	25.6%
Sunderland City Council	27.1%	27.3%	28.1%	29.8%	30.2%	32.9%	28.5%
<b>Average</b>	<b>33.2%</b>	<b>34.2%</b>	<b>32.3%</b>	<b>32.4%</b>	<b>29.1%</b>	<b>34.0%</b>	<b>32.3%</b>

National Recycling Targets were 50% by 2020 and currently is 65% by 2035

In 2020, the 'waste from households' recycling rate was 44.0%, meaning that the 50% target has not been met and also down from 45.5% in 2019

52. Household waste sent for reuse, recycling or composting (from WasteDataFlow), shows that **Middlesbrough sent an average of 18,657.98 tonnes** between 2018 and 2023. This equates to **29.3%**. The **regional average** for the same period is **24,268.18 tonnes**, equating to **32.3%**.
53. Middlesbrough's recycling figure had declined from **19,169.47 tonnes** in 2021/22 to **14,989.51 tonnes** in 2022/23 and the Panel heard that part of the reason for this was due to moving to a new recycling contractor but that the previous issues experienced had been resolved. Similarly, Redcar and Cleveland Council's recycling figures had reduced from 22,076.91 tonnes in 2021/22 to 16,265.53 in 2022/23 and used the same contractor.
54. It can be seen from the figures for the first quarter of 2023/24 that Middlesbrough's recycling rate is **5,572.15 tonnes** and Redcar's figure is **5,646.91 tonnes** for the same period – equating to **31.5%** and **35.5%** respectively.

55. It can also be seen that most local authorities' recycling rates had reduced post-Covid. Middlesbrough's recycling rates are around the regional average, however, none of the North East local authorities are meeting the current government target of 50%.
56. The data below shows a breakdown of recycling materials collected in the kerbside recycling collections from 2018-19 to 2022-23 in Middlesbrough (in tonnes). Materials collected in the scheme are: glass, paper, mixed paper and card, mixed plastic bottles, steel cans and aluminium cans. The category of 'non-target recycle' refers to materials not included in the recycling contract, in other words not on the specified list of recyclable materials for residents to recycle at the kerbside, but materials that residents have put into their recycling bins, for example electrical items, which the Council must then try to have recycled by the contractor. This accounts for around 1 or 2% of Middlesbrough's kerbside recycling tonnages each year.

Material	Target Material	Kerbside Dry Recycling Tonnages									
		2018-2019		2019-2020		2020-2021		2021-2022		2022-2023	
Glass	Target	2,638.070	27%	2,632.550	26%	3,337.000	27%	2,936.500	25%	2,099.605	21%
Paper	Target	2,612.380	26%	2,196.220	22%	2,363.470	19%	3,350.550	28%	1,277.241	13%
Mixed Paper & Card	Target	868.560	9%	1,289.520	13%	1,427.870	12%	616.410	5%	1,384.150	14%
Mixed Plastic Bottles	Target	1,242.740	13%	1,308.570	13%	1,085.130	9%	1,388.690	12%	898.750	9%
Steel Cans	Target	160.180	2%	327.800	3%	309.720	3%	458.000	4%	280.124	3%
Aluminium Cans	Target	175.610	2%	236.720	2%	200.520	2%	177.330	2%	232.963	2%
Non Target Recyclate	Non Target	101.590	1%	152.750	2%	196.180	2%	32.020	0%	253.494	2%
Contamination	Contamination	2,107.880	21%	2,011.430	20%	3,441.322	28%	2,822.310	24%	3,726.503	37%
<b>Total</b>		<b>9,907.010</b>	<b>100%</b>	<b>10,155.560</b>	<b>100%</b>	<b>12,361.212</b>	<b>100%</b>	<b>11,781.810</b>	<b>100%</b>	<b>10,152.830</b>	<b>100%</b>

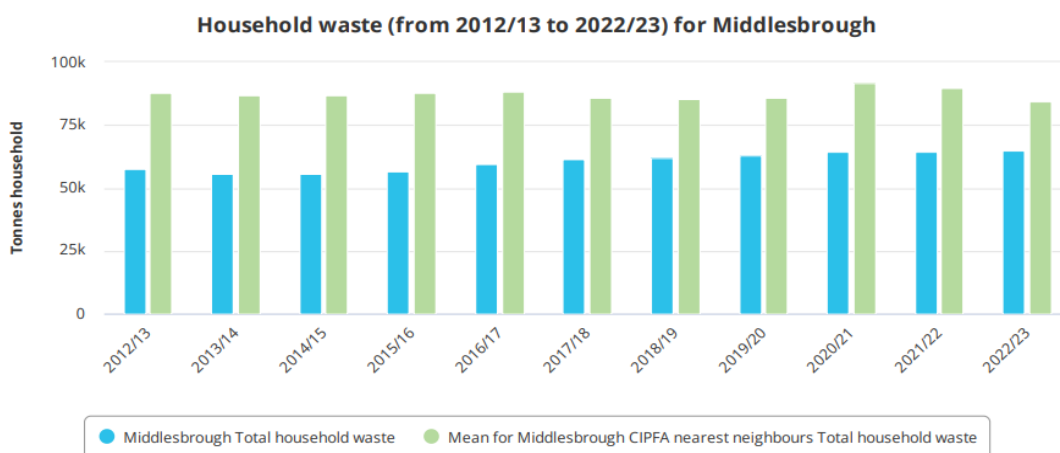
57. In 2022-23 contaminated recycling was at a five-year high in Middlesbrough, with **3,726.503 tonnes (37%)** being contaminated, compared with **2,011.430 tonnes (20%)** in 2019-20 – the lowest contamination figure during the five-year period 2018-19 to 2022–23. Frequent contaminants include: food, textiles/clothing, nappies, WEEE (eg electrical equipment, vapes) and bagged household waste.
58. Once collected from the kerbside, the materials are transported to the recycling facility and passed through a Materials Recycling Facility (MRF). The MRF comprises a manual sorting/picking of the materials where any contaminants are removed. The materials are then passed through several automated sorting machines which separate the co-mingled materials into the major recyclates - such as paper, card, steel cans, aluminium cans and plastics.
59. Once separated, the recycling contractor - Cumbrian Waste Management – returns the materials back into the manufacturing stream via the commodities market.
60. In terms of tackling contaminated recycling, Environment Services has a targeted approach to address areas where high levels of contamination exist. Where a recycling bin is found to contain a contaminant, it is usual practice for the bin not to be emptied and reported by the Refuse Team Leader to the Environmental Enforcement Team. A sticker is placed on the bin stating that it will not be emptied due to being contaminated. Residents can request a contact from the Environment Sustainability Manager for further explanation/clarification and the surrounding vicinity is usually letter-dropped to educate residents in relation to recycling where several bins are found to be contaminated.

61. Barriers preventing people from recycling ranged from residents choosing not to recycle; general uncertainty around what could and could not be recycled; possible lack of information in languages other than English; current weekly collection of residual waste and side waste; possible limited enforcement in some areas.

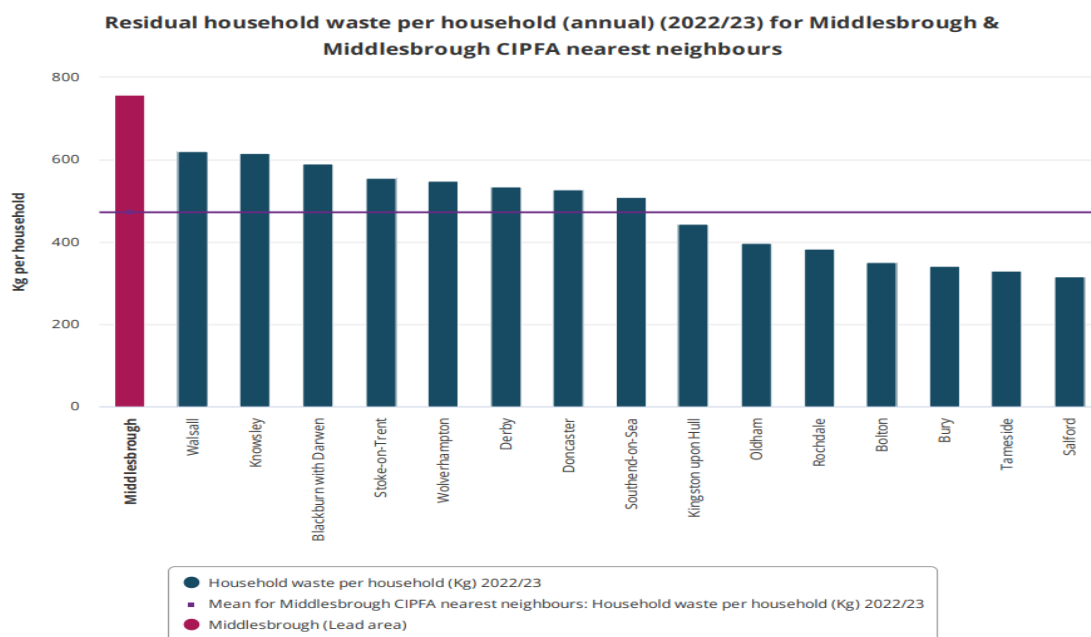
Comparison of Middlesbrough’s Key Performance Data with nearest Cipfa Neighbours

62. Members were keen to see how Middlesbrough’s key performance data compared to its nearest Cipfa neighbours. For the purpose of Waste Management and Recycling, Middlesbrough’s nearest Cipfa neighbours are: Blackburn with Darwen, Bolton, Bury, Derby, Doncaster, Kingston-upon-Hull, Knowsley, Oldham, Rochdale, Salford, Southend-on-Sea, Stoke-on-Trent, Tameside, Walsall and Wolverhampton.

63. In 2022/23, Middlesbrough collected **64,891 tonnes** of Household waste – this includes waste collected from households plus street bins, sweepings etc. This was a 0.7% increase on the previous year and compared with a 6.4% decrease for England.

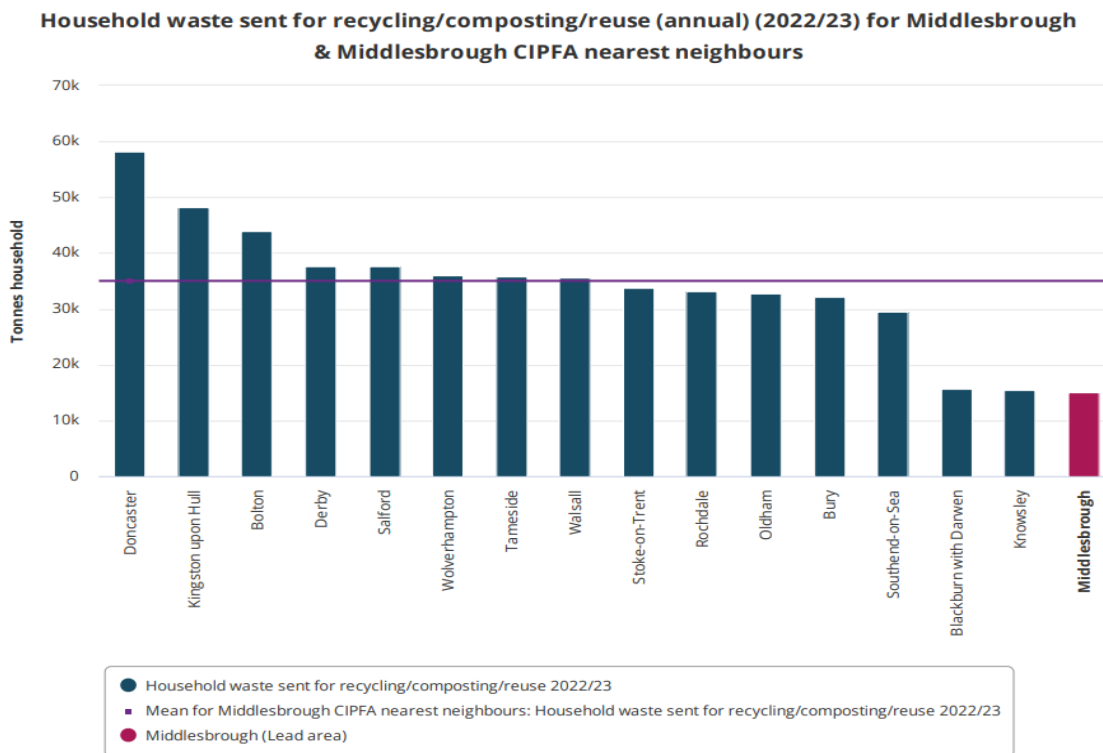


64. In 2022/23<sup>2</sup>, Middlesbrough collected the equivalent of **759.10kg** of residual waste per household in 2022/23, this had increased from **702kg** per household in 2021/22. This compared to an average of 471.47kg for Middlesbrough’s nearest Cipfa neighbours and 508.80kg England average.

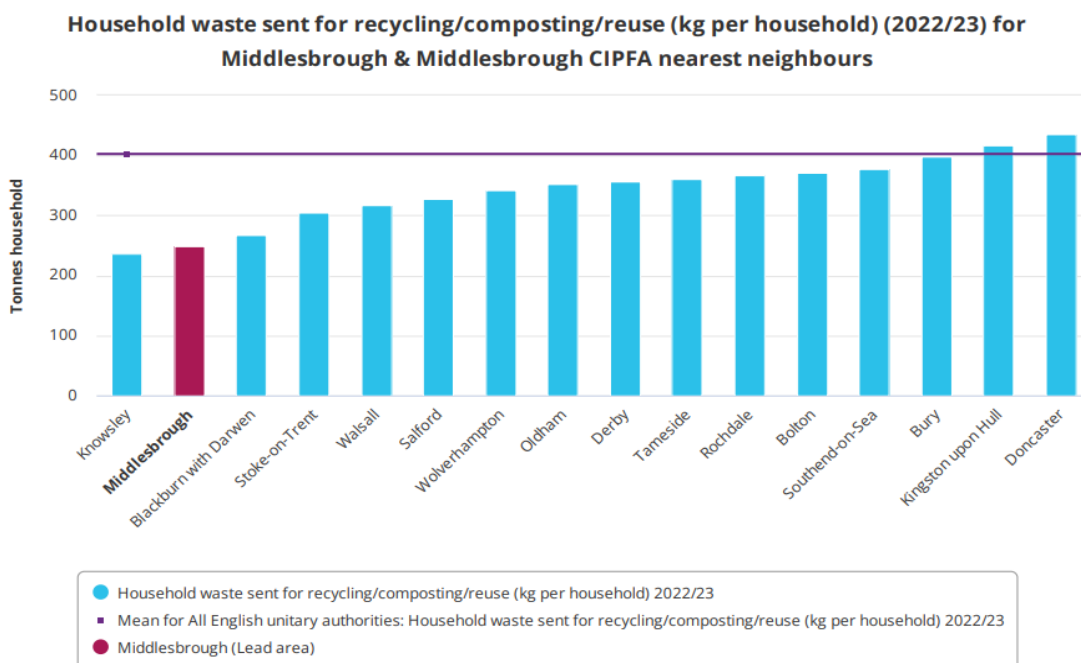


<sup>2</sup> LG Inform/DEFRA March 2024

65. In Middlesbrough, **14,990 tonnes**, or **23.10%** of all household waste, was sent for reuse, recycling or composting down from **29.80%** in 2021/22. This compares to an average of **41.47%** for Middlesbrough CIPFA nearest neighbours and **41.70%** for England.



66. Per household, an average of **270kg** of household waste was sent for recycling, composting or reuse across Middlesbrough. This is below the CIPFA nearest neighbours' average of 368kg per household. Within the group of Middlesbrough's CIPFA nearest neighbours, Knowsley had the lowest figure of 235kg per household and Doncaster had the highest with 436kg per household.



67. **21.18%** (4,028 tonnes) of all household waste sent for reuse, recycling or composting in Middlesbrough was rejected/contaminated in 2022/23. This was up by **274 tonnes** from the previous year and compares to an average of **6.69%** for Middlesbrough's CIPFA nearest neighbours and **6.55%** for England.

68. **8.80%** of Middlesbrough's household waste (**49,902 tonnes**) was sent to landfill in 2022/23. This was up by **3.30%** from 2021/22. In comparison, **9.54%** of household waste was sent to landfill for Middlesbrough's CIPFA nearest neighbours and **7.30%** for England.

### Disposal Costs

69. Waste disposal costs for residual waste sent to the incinerator are significantly higher than costs for reuse, recycling or composting. The table below shows the costs for the various waste disposal streams in Middlesbrough between 2018 and 2023 and the associated gate fees. The gate fee is a charge levied upon a given quantity of waste received at a waste processing facility. It can be seen that residual waste disposal costs have steadily increased over the last five years and this is set to almost double for 2024/25.

Processor / Disposal Facility	Gates Fees					
	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
<b>SUEZ - Main Waste Disposal</b>						
Energy from Waste	£54.09	£55.92	£57.63	£58.71	£66.36	£72.56
Landfill Rate	£114.81	£117.85	£121.30	£124.22	£128.37	£135.99
<b>Green Waste</b>						
Scott Bros	£20.00	£20.00	£20.00	£20.00	£28.00	£28.00
Compost UK (formerly A&E Thompson)	£18.75	£18.75	£17.50	£18.75	£18.75	£18.75
<b>Dry Recycling</b>	£29.00	£29.18	£48.77 Ave	£78.90	£14.07 Ave	£48.60 Ave
Recycling Contractor	Biffa	Wards	Wards	Regen	CWM	CWM
		Compound Gate Fee Rates				
Waste Stream	Yearly Costs					
	2018-19	2019-20	2020-21	2021-22	2022-23	
<b>SUEZ - Main Waste Disposal</b>	£2,373,938	£2,533,182	£2,916,351	£2,578,081	£3,020,990	
<b>Green Waste</b>	£127,562	£125,794	£126,329	£142,379	£164,546	
<b>Dry Recycling</b>	£282,051	£296,337	£662,285	£1,038,918	£131,446	
Recycling Contractor	Biffa	Biffa/Wards	Wards	Regen	CWM	

70. In Middlesbrough, the gate fees for waste disposal are charged by the tonne, as deposited. At the energy from waste plant, where all residual waste is disposed of, vehicles are weighed on the weighbridge upon entering the site. Where contaminated waste is recovered from the recycling facility, it is returned to the residual waste stream and then incurs a secondary charge as it must be disposed of with residual waste. In terms of costs for disposal of recyclable materials, the Council pays a net rate to the recycling contractor who sells the materials on for reuse in manufacturing.

### Green Waste (Garden Waste) – Current Arrangements

71. Green waste, or garden waste, is also collected fortnightly from the kerbside from April to September, then once monthly in October and November. Residents are provided with a 240 litre wheeled bin, again with the exception of those properties without gardens.
72. Middlesbrough collects approximately **6,800 tonnes** of green waste per annum which is disposed of for composting. This has the lowest disposal cost of all the waste streams.

## UPDATE

73. Following the receipt of evidence in relation to the waste management scrutiny topic, the Council's budget proposals for the 2024/25 financial year in relation to the Environment Scrutiny Panel's remit, were presented to the Panel for discussion and comment.
74. Comments were subsequently fed into the budget consultation process. The proposals relevant to the Panel's review of Waste Management were agreed by Full Council on 8 March 2024 as part of the budget setting process. Details are provided below.

### Introduction of Fortnightly Residual Waste Collections

75. The proposal to introduce fortnightly residual waste collections in Middlesbrough, which was subsequently implemented at the start of August 2024, brings Middlesbrough Council in line with the vast majority of other councils and supports efforts to improve recycling rates.
76. The Waste Service has experienced significant budget pressures in 2023/24, (£1.0m Quarter 3 forecast Outturn), this is primarily due to a combination of household behaviour regarding recycling and the rising cost of residual waste disposal.
77. As mentioned at paragraphs 69 – 70 above, there is a significant cost to disposing of waste incorrectly. The cost of disposing of recycled waste (average disposal rate **£53.01 per tonne**) is much lower than the cost of residual waste (average disposal rate **£72.56 per tonne**). Residual waste placed in the recycling bin causes contamination to the recycled waste stream and is rejected by waste operators and diverted to the residual waste stream for which the Council has to pay to process twice, (average residual waste disposal rate of **£173.78 per tonne**). This additional cost is avoidable if residents work together with the Council and comply with guidance on segregating household waste.
78. Fortnightly collections were implemented in conjunction with a communication and education plan to ensure residents are supported in their move to the new system. Based on the experiences of other authorities, it is not expected that this proposal will result in a significant increase in fly-tipping.
79. Following consultation, the proposed implementation plan was amended to include adjustments for those households requiring a larger waste bin: - families of three or more, rather than four or more, can request a 240 litre wheeled bin. Following a proposal from Councillors, families of two will be able to purchase an additional 140 litre wheeled bin, at a one-off cost of £40.
80. The Council continues to provide assisted bin collections for those who meet the necessary thresholds and areas with communal bins or residents who are only served by black sack collection as they are not accessible for wheeled bin collections, will continue on weekly collections.

### Introduction of Charging for Green Waste Collections

81. The collection of green waste is not a statutory requirement and is a discretionary service which many councils already charge for. The service is optional and new brown 240 litre bins were only supplied to those residents wishing to opt in to the service once the annual subscription was paid.
82. Free disposal continues to be available to those wishing to use the Household Waste and Recycling Centre.



83. The new service (now implemented) operates fortnightly collections from the first week in April until the end of November. The proposal is in line with green waste services compared to neighbouring authorities.
84. The cost of the service is £40 per year, with one bin supplied. Additional bins can be requested for and additional £20 per bin thereafter.

#### Charging for bulky waste collections

85. It was also proposed to introduce a fully chargeable bulky waste collection service. Information on the current service operated in Middlesbrough is contained in the report, starting at paragraph 151.
86. Whilst the proposal was approved as part of the budget setting process, the fully chargeable service is not yet operational due to required changes to IT systems which are ongoing.

#### Update on the Implementation of the Chargeable Green Waste Collection Service

87. Following the implementation of the new chargeable green waste collection service, the Scrutiny Panel called an additional meeting, on 20 May 2024, to receive an update in relation to the roll-out of the new green waste bins, following a number of complaints and concerns raised by residents in relation to the collection of old green waste bins; the delivery of new brown waste bins; provision of bin collection calendars and commencement of the collection service.
88. Information shared at the meeting is contained below:-
89. At the time of the additional meeting, it had been 40 working days since the commencement of the new green waste service new bin roll-out and the following had taken place:-
- Movement of 45,518 bins in Middlesbrough.
  - Total of 19,897 new brown garden waste bins delivered.
  - Total of 25,621 old green 'diamond' waste bins collected and dismantled for recycling.
  - 41% garden waste subscriptions reached – double the estimated figure.
  - Income target had reached £790,000. \*by August 2024, this had increased to £915,820, with a take up rate of almost 47%.
90. The roll-out of the new bins and implementation needed to be swift due to time constraints between the proposals being approved as part of the Council's budget-setting process on 8 March 2024, and being ready to commence green waste collections in April. As such the timeline was as follows:-

#### March 2024:

- Council approval for bin roll-out
- Briefing session for Members held
- Training for hub staff in order to assist residents
- Work with IT to launch system for ordering bins, stickers, etc.

#### April 2024

- Deliveries of new garden waste bins commenced first week in April.
- Communication advising residents of forthcoming arrangements disseminated. This included an example of the leaflet residents could expect to receive with a picture of the bin with the word 'Monday' on it. Unfortunately, many residents had assumed this meant that their old bin would be collected the following Monday and led to a lot of confusion regarding collections. Lessons have been learnt from this going forward.

- Four briefing sessions held, both in person and on-line, to keep Members up to date.
- The new garden waste subscription service commenced.
- Collection of old garden waste bins (green, 'Diamond') commenced.
- On-line bin collection calendars launched. An issue was experienced whereby the software used did not pull through around 15% of addresses leading to incorrect or no calendars being displayed. This was a national issue with the software company which has now been resolved, however, the issues did not come to light until 14 May.

#### May 2024

- As mentioned, due to an IT glitch outside of the Council's control, around 1,300 orders for bins were not fulfilled on time, however, they were delivered by 12 May.
  - Due to demand for the new garden waste service far exceeding initial expectations, an additional 12,000 garden waste bins were ordered.
  - As a result of the excess demand and queries, the Council's Contact Centre became overwhelmed, therefore, a small, secondary contact centre was established at Resolution House to deal specifically with bin orders and queries.
91. In order to renew subscriptions next year, residents who previously signed up for the service would be sent an email informing them that subscription renewal is open. This would allow the opportunity for residents not to renew as well as new subscribers to sign up for the service.
92. At the start of May there were 14,000 bins in stock, based on the estimated take up rate of 20% (around 9,300 bins). This figure was based on take up at other Councils, including Hartlepool and Darlington, in their first year of offering this service. It also considered meeting additional requests for second bins/late take up. As of 20 May, the take up rate was **41%** (just over 20,000 bins, including second bins).
93. Some of the concerns and complaints in relation to the roll-out of the new service included:-
- Many people, particularly older people, did not have access to, or were able to use, the internet and could not find out when their old bins were due to be collected and had not received a leaflet informing them of the date of collection. It was acknowledged that there had been an over-reliance on digital communications. Whilst the paper leaflet delivered to residents contained all the required information, it did not pass the 'glance test'. At first glance, people had looked at the graphic - depicting a wheeled bin with the word 'Monday' - and assumed that their old bins were being collected the following Monday, without fully reading the information.
  - Some residents, despite subscribing to the new service and being issued with a new bin, had not had their bins emptied. This was due to the backlog of new bins being distributed and old bins being collected. The service ran fortnightly from April to November, therefore, residents who had subscribed to the service this year would receive two additional collections in March 2025.
  - Difficulties in accessing on-line bin calendars are currently being examined with the aim of providing access to calendars on the Council's website without needing to set up an account.
  - In relation to the procurement processes for the purchase of the bins, a UK Company had challenged the Council stating that it could have supplied the bins at a lower cost, however, it did not meet the criteria specified. Local authorities commonly use procurement organisations to source bulk purchasing and shorten the procurement selection process. A procurement

exercise was undertaken and the specification in relation to the type of bins the Council wished to purchase was included. The specification stated bins must be better-quality and robust, microchipped, etched with the Council's recycling information. Schaffer was the Company that was able to deliver on all the requirements and was selected on that basis and became the successful bidder. At the end of this process the Council must issue a Notice and this was overlooked in error but was subsequently rectified. Additionally, each bin is microchipped and chip-readers, usually costing £1,000 each, were supplied as part of the process free of charge. In summary the correct processes were followed.

#### Fortnightly Collections

94. At the same meeting, the Panel received information regarding the roll out of additional and/or larger waste bins in preparation for fortnightly collections due to commence in July.
95. A total of 30,000, 240 litre black bins had been purchased to be provided, upon request, to residents meeting the eligibility criteria for larger capacity residual waste bins once fortnightly collections commenced. The figure is based assumes half of Middlesbrough's households will request a larger bin. As of May 2024, 11,937 larger capacity bins had been requested but that figure is expected to rise following further communications. There were also 494 requests for additional 140 litre (small) black bins.
96. All bins being issued contain an embedded microchip assigned to each household and this information is stored centrally within the Service.
97. Delivery of the larger capacity bins would commence in June and those that had requested one would be sent a yellow bin transfer sticker, containing their address and a reference number. The sticker needed to be placed on the lid of the smaller bin and crews would empty the bin and take it away at the same time they delivered the new larger bin.
98. For residents who had purchased an additional small 140 litre bin, they would be issued with a red authorised additional bin sticker which should be placed on the second bin allowing staff to clearly identify those who had purchased an additional bin.
99. Communal bins will remain on weekly collections and a replacement and refurbishment programme for communal bins across the town. The Council will also commence reissuing of plastic sacks to residents in those areas. This will be rolled out after fortnightly collections has commenced.
100. The additional resources placed in the Contact Centre to create a dedicated 'bin line' will remain in place for at least the next six months to deal with queries specifically relating to bins.

#### Residual Waste Disposal – Future Arrangements

101. The current residual waste disposal contract is due to end in 2025/26. In 2020 it was announced that seven north east Councils (Middlesbrough, Stockton, Redcar and Cleveland, Hartlepool, Darlington, Durham and Newcastle) were to join forces to plan to build a new Energy from Waste (EfW) facility with a 450,000 tonne per annum capacity. A site has been earmarked for the new development and a joint procurement exercise is ongoing to secure a contractor to build and operate the facility.

102. **Update** – On 16 August 2024, the Evening Gazette published an article<sup>3</sup> stating that the new facility would not be operational until 2029. The project has fallen behind schedule following halting of the procurement process due to opposition by environmental campaigners.
103. The £300 million facility, overseen by the partnership of councils, faced uncertainty around what date it could be connected to the National Grid due to a current lack of transmission network capacity.
104. Following an evaluation of the tenders submitted by two short-listed operators, the procurement process has restarted after receipt of two viable connection offers earlier in the year.
105. It is now anticipated that final tenders will be received by the end of 2024, with a preferred tender appointed in 2025 and the facility becoming fully operational in 2029.

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<sup>3</sup> [https://www.gazettelive.co.uk/news/teesside-news/delay-means-planned-facility-burning-29749588?utm\\_source=linkCopy&utm\\_medium=social&utm\\_campaign=sharebar](https://www.gazettelive.co.uk/news/teesside-news/delay-means-planned-facility-burning-29749588?utm_source=linkCopy&utm_medium=social&utm_campaign=sharebar)

**TERM OF REFERENCE B - To explore how Middlesbrough can increase its recycling rates, and reduce residual waste, to achieve national targets whilst minimising costs**

106. At a strategic level, a Joint Waste Management Strategy for the Tees Valley, 2020-2035, sets out the joint approach to the sustainable management of waste within the Tees Valley and prioritises actions up to 2035. It provides the framework for how the Tees Valley councils will work towards reducing the amount of waste produced, to recycle as much material as possible and find the most sustainable solution to deal with any waste that remains.
107. It is acknowledged that whilst there will always be a small minority of people who will not recycle, many people who currently do not recycle are genuinely unsure of what they can and cannot recycle and require a little guidance. This could be as simple as turning the usual message around to tell people what can **not** be recycled.
108. Middlesbrough Council's Environmental Sustainability Manager works with a range of services, groups and individuals to encourage recycling and to target areas with low recycling rates and/or high levels of contaminated recycling, including:-
- Cumbria Waste Recycling Plant – weekly sampling of the recycling materials being deposited which assists in determining which areas or wards within Middlesbrough require targeted letter drops to provide advice on recycling.
  - Marketing and Communications Team - posting on social media to promote recycling and provide advice on the materials that should not be recycled.
  - Refuse Crews – checking bins, 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 recycling and litter prevention.
  - 'Wash and squash' roadshows - delivered in community hubs, bus station, local shopping centres.
109. There are plans for the Environmental Sustainability Manager to travel to various locations to spread the message regarding the importance of recycling. It is hoped the project will help to maximise engagement with the public in multiple locations on a regular basis and will also target areas with low recycling rates. The overall aim is to make recycling the 'social norm'. Engaging with the public is recognised as being key to increasing recycling rates and minimising contamination.
110. Volunteers at Climate Action Middlesbrough currently provide an additional resource to assist with some of the more time-consuming tasks such as checking bins with the refuse crews, placing bin stickers on those that are contaminated, liaising with the driver to record the bin numbers, etc.
111. Current practice regarding contaminated waste is to place a sticker on the bin to notify the resident it would not be emptied due to contamination. The resident is then issued with a letter and leaflet explaining why their bin had not been emptied and what the next steps were. Residents can request a visit from the Environmental Sustainability Manager if they wished.
112. In conjunction with experts in the field, Environment Services is currently developing a plan aimed at implementing fresh ideas to prompt behavioural change to promote recycling and minimise waste. This plan will engage with residents and be rolled out throughout 2024.
113. As green waste is a significant contributor to the amount of recycling collected, it is acknowledged that certain Wards within Middlesbrough will struggle to achieve high recycling rates as many

properties do not have gardens. However, some Wards with low recycling rates often have areas or particular streets within the Ward that have good recycling rates.

114. Examples of collaborative working between Environmental Enforcement, refuse crews, the Environmental Sustainability Manager and residents were provided to the Panel, illustrating how this has helped to turn around specific areas with high recycling contamination rates to reduce contamination rates and increase recycling.

#### BORO DOUGHNUT

115. As part of its review, the Panel received evidence from Community Interest Company, Boro Doughnut, which was launched in November 2023.
116. Boro Doughnut's aim is to build a thriving Middlesbrough through positive collaboration based on Doughnut Economics. The Doughnut Economics Action Lab (DEAL) Community is made up of like-minded people exploring the ideas of Doughnut Economics and pioneering ways to put ideas into practice. It includes educators, policy makers, community members, businesses, artists, academics, designers and economists. The DEAL community offers 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.
117. Its mission is to connect 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 has 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.
118. Research undertaken with Teesside University looked at how the people of Middlesbrough thrived across areas such as education, work, health, community, political voice and culture, in order to ascertain the current environmental state of Middlesbrough.
119. In the context of waste management, Boro Doughnut has undertaken litter picking within communities with Boro Champions who are doing excellent work. It has also undertaken research in the TS1 areas, speaking to residents, waste collectors, officers from thirteen housing and Council officers to find out what is happening on the ground. The aim is to ensure everyone works together to improve the area as responsibility falls to everyone.
120. Boro Doughnut uses 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, benefits from collecting actual outcome evidence.
121. It identified several root causes of littering and fly-tipping in the TS1 area, using root cause analysis, and provided the following possible solutions:-
- 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.

122. Boro Doughnut indicated a willingness to collaborate with Middlesbrough Council, as well as other key partners and residents, to promote improved waste management across the town, particularly through increasing recycling rates and minimising contamination and non-recyclable waste.
123. Boro Doughnut currently works alongside Teesside University, Thirteen Housing and community volunteers using creative ways, such as through art, to spread the message regarding recycling and protecting the environment. It links into the Middlesbrough Voluntary Development Agency (MVDA) which holds a database of volunteers and groups. There are currently around 880 community organisations in Middlesbrough with MVDA acting as a hub to contact groups with a view to working together.

## **TERM OF REFERENCE C) - To gain an understanding of the legal and policy framework in which the Council must operate, in terms of all types of waste collections and associated enforcement activity**

### Legislative Framework

124. In England and Wales, two tier local authorities (such as cities and districts) are obliged by law to provide a domestic waste collection service to households, while county councils must handle its disposal. Unitary authorities, such as Middlesbrough, must undertake **both**. These duties are laid out in the [Environmental Protection Act \(EPA\) 1990](#).<sup>4</sup>
125. Councils can require occupiers of premises to present their household waste for collection in a specified way under the EPA. However, councils' powers to enforce this were scaled back in England in March 2015 by the Deregulation Act which downgrades failure to comply with any notice from a criminal to a civil offence.
126. Like businesses, local authorities have a Duty of Care to handle waste responsibly and have a range of other responsibilities which specifically relate to municipal waste.

### 'Simpler Recycling' Reforms

127. In October 2023, the Government announced Simpler Recycling in England and announced responses to in May 2024<sup>5</sup> detailing decisions regarding the reforms.
128. In summary, Simpler Recycling in England requires that all non-household municipal premises, including businesses, hospitals, and schools, must start collecting the same materials by 31st March 2025. Households must comply by 31st March 2026, while micro-firms (with fewer than 10 full-time employees) have until 31st March 2027, to meet the requirements.
129. Simpler Recycling will be implemented as follows:
  - By **31<sup>st</sup> March 2025**, businesses, and non-domestic premises (except micro-firms), will be required to recycle all recyclable waste streams: metal, glass, plastic, paper, card, and food waste (excluding garden waste and plastic film).
  - By **31<sup>st</sup> March 2026**, local authorities will be required to collect all six recyclable waste streams (excluding plastic film), from all households. Local authorities must collect food waste weekly (except where a transitional arrangement applies, affected local authorities will have a later implementation date set in regulations).
  - By **31<sup>st</sup> March 2027**, micro-firms (businesses and non-domestic premises with less than 10 full-time equivalent employees) will be required to recycle all recyclable waste streams (excluding garden waste). Plastic film collections from all households, businesses and non-domestic premises will also begin.
130. Parliamentary approval is awaited after which final statutory guidance will be published. This legislation complements regulations for Extended Producer Responsibility for packaging and the Deposit Return Scheme for drink containers, forming a comprehensive set of collection and packaging reforms. With the implementation of these policies and their intended aims, the cost of recycling should decrease. This will be achieved through the introduction of better materials into the market, increased collection volumes, and higher collection rates of higher quality materials.
131. To support the rollout of weekly food waste collections across England, Defra is providing up to £295 million in capital funding for additional bins and vehicles. Additional resource funding will be

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<sup>4</sup> Gov.uk

<sup>5</sup> Gov.uk – Government consultations – consistency in household & business recycling in England – Outcome & responses



available from 2024/25 to assist local authorities in transitioning to these weekly collections, with ongoing support from 1 April 2026.

132. Simpler Recycling is a crucial step toward achieving the 25-Year Environment Plan goal of eliminating avoidable waste by 2050. It will contribute to the target of recycling 65% of municipal waste by 2035, result in significant carbon savings, and support net zero objectives.

### Environmental Enforcement

133. As part of the Government's Anti-Social Behaviour Action Plan<sup>6</sup>, there have been recent changes in legislation to increase Fixed Penalty fines. This includes:-
- The maximum amount those who are caught fly-tipping can be fined will increase from £400 to £1,000.
  - The maximum amount those who are caught littering or graffitiing can be fined will increase from £150 to £500.
  - The maximum amount those who breach their household waste duty of care can be fined will increase from £400 to £600.
134. In Middlesbrough, approval by the Executive was given to a new structure of fees and charges which includes fly-tippers being fined up to **£1,000** (increased from £400) and fines for littering increased to up to **£500**, previously £80.
135. It is anticipated that an increase in the fixed penalty amounts will play a role in the decrease of prosecutions, however, fines must be proportionate to the offence.
136. The Council had invested in the creation of a 'flying squad', to help tackle environmental offences. This involved the co-location of environment services and community safety staff, under the management of the Operational Community Safety Manager.
137. The creation of a dedicated team for environmental enforcement ensures that matters, such as fly-tipping, can be investigated quickly and has brought about a significant increase in enforcement activity and consequences for offenders. The number of prosecutions for serious cases of fly-tipping has increased and resulted in major improvements in tackling fly-tipping.
138. Fly-tipping is a criminal offence, not a civil matter. In more serious or persistent cases it is not appropriate to issue a fixed penalty notice.
139. Between 2017 and 2020 there were three prosecutions in Middlesbrough for environmental offences.
140. In 2021-2022 this increased to **63** fixed penalties notices or Court proceedings in relation to environmental offences.
141. Between April to December 2023, there were **52** Fixed Penalty Notices/Court proceedings.
142. Presentation of waste (for example, bins being left out for collection on the wrong day, leaving side waste, etc), has been decriminalised, however, it is the biggest issue reported to the environmental enforcement team. Between April and December 2023, **400** Section 46 warning notices, **160** second

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<sup>6</sup> Gov.UK – Anti-social Behaviour Action Plan

(follow up) letters and **five** fixed penalty notices were issued in respect of this matter. These actions relate purely to how the bin(s) was presented and not in relation to its contents. Prior to 2018, fines could be issued in respect of this, but it is no longer an option.

143. The current collection rate of FPNs in Middlesbrough is around 70%, meaning that the majority of fines are paid. Middlesbrough is the leading local authority in the Tees Valley for enforcement action taken in relation to environmental offences.
144. In terms of prosecutions, the cost to the Council, per matter, is approximately £225 plus officers' time. Even when the Council is successful in prosecuting, it does not always recoup the cost of taking the offender to Court and the sanctions taken are imposed by the Court and out of the Council's control.
145. Whilst all monies received via a fixed penalty notice are retained by the Council, the most appropriate and proportionate course of action must be taken in all cases and criminal proceedings remains the most appropriate action for serious offences (such as dumping of asbestos). Investigations for criminal proceedings are very time intensive and can take up to 18 months for cases to reach Court as the burden of proof must meet the criminal standard.
146. Recently, a vehicle used to commit one of the worst cases of fly-tipping ever seen in Middlesbrough, was seized through a Forfeiture Order and had been repurposed and was being used by the flying squad. The vehicle now displays a clear, highly visible message, warning would-be fly-tippers that fly-tipping is a crime and the Council is watching.



147. In this particular case, 60,000 tonnes of household and building rubbish was dumped by the perpetrator – who charged people between £120 and £150 to take away their waste, but then dumped it illegally. The rubbish included asbestos, fridges and 30 mattresses, and cost the Council more than £14,000 to clear.
148. Parts of Middlesbrough have terraced properties with alleyways which are cleansed on a five-day cycle with one regime for all alleys, however, the Council is exploring the implementation of a revised system as refuse collection and cleansing are currently fragmented. There are complexities around alleyways in terms of ownership as some are owned by the Council and others are owned by the adjacent properties which can appear to lead to discrepancies in cleansing.

149. Fly-tipping is a frequent issue in many alleyways and in some identified 'hot spot' areas cameras were installed to capture perpetrators. Some individuals caught on camera do not live in the immediate vicinity and have been known to travel from outside the area for the purpose of fly-tipping.
150. One of the biggest problems in relation to fly-tipping is unlicensed waste carriers. These tend to be individuals with a van who charge people to take away their rubbish, but then dump it illegally. Where illegal dumping is identified and traced back to the resident, the resident - as well as the illegal waste carrier – can be prosecuted. Residents can be fined up to £600 for using illegal waste carriers.
151. **Update** - Since evidence was received by the Panel, there have been several articles featured in Teesside Live (Evening Gazette)<sup>7</sup>, highlighting the scourge of fly-tipping in Middlesbrough. To show the scale of the problem, several examples are included below:-
152. Fly-tipping is a particular problem across Newport and North Ormesby wards where there is a high proportion of alleyways. In April 2024, a staggering **25 tonnes** of fly-tipped rubbish was cleared from Middlesbrough's alleyways in just two days.
153. In May 2024, **eight tonnes** of household waste was dumped in an alleyway in central Middlesbrough, just seven days after it had been deep cleaned.
154. In July 2024, approximately **nine tonnes** of household and business waste was dumped in a central Middlesbrough alleyway just nine days after it had been deep cleaned. As a result, six operatives from the Environmental Services Team spent more than a full morning clearing up the alleyway.



155. Since the implementation of the new fees and charges structure, the Council's Environmental Enforcement Team has issued **46** high level fixed penalty notices – ranging from **£300** for littering offences to **£800** for fly-tipping. In addition, since the start of 2024, **25** individuals have been hit with fines of up to **£800** for fly-tipping, and three prosecutions resulting in convictions at court.
156. The Council also led the case against an individual who received a suspended prison sentence for dumping a staggering **61 tonnes** of rubbish in Brambles Farm. The Team has also seized **116** abandoned/illegal vehicles between January and June 2024, of which 68 were disposed of and one vehicle used for fly-tipping was crushed.

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<sup>7</sup> Teesside Live – articles: April to July 2024

**TERM OF REFERENCE D - To examine the current position in Middlesbrough regarding the collection and disposal of bulky waste (junk jobs) and fly-tipped waste, including performance data and targets and how these compare locally and nationally, and, if appropriate, how this can be improved**

**Bulky Waste Collections**

157. Bulky waste collections are not a statutory requirement, and it is the responsibility of the individual to dispose of their bulky waste items correctly. Various options are available in Middlesbrough, such as taking the items to the HWRC at Haverton Hill or through a licensed waste carrier.
158. However, Middlesbrough Council operates a bulky waste collection service (sometimes referred to as 'junk jobs') for Middlesbrough residents for waste that does not fit inside a residential wheeled bin.
159. Examples of bulky waste items include: furniture, such as beds and sofas; electrical items and white goods, such as TVs, washing machines, microwaves, fridges, freezers.
160. There is currently a two-tier service in operation. One service is free of charge with a wait time of up to 12 weeks during peak times. The other service is known as the premium bulky waste collection service and is a paid for service ensuring a quicker collection time. Wait times for the premium service can vary but are, on average, up to three weeks. During periods of low take up this time is one week.
161. The charges for the premium services are as follows:-
- £22.50 for up to 5 items
  - £45.00 for up to 10 items
  - £67.50 for up to 15 items
- (With all prices being dependent on weight)
162. The current charges were set several years ago, approved by Full Council and following consultation. Fees and charges are generally based on comparisons with neighbouring authorities. In addition, the weight of the items to be disposed of and sorting to be sent to various disposal streams is taken into account, hence the increase in cost the more items there are to dispose of as it incurs greater waste disposal costs.
163. In terms of its cost-effectiveness, the service generated approximately £22,000 last year (2022/23), however, it costs around £128,000 per annum to provide the service.
164. The number of bookings and requests for Middlesbrough's bulky waste service is comparable with the other Tees Valley local authorities, however, Middlesbrough is the only authority in the Tees Valley currently operating a free of charge service.
165. For both bulky waste and premium bulky waste collections, residents are provided with a collection date and advice on how to present the items for collection. Items should be placed at the front of the property by 7.00am on collection day.
166. Separate collections are arranged for electrical and non-electrical items due to environmental legislation and the use of different vehicles to collect such items. There is currently a schedule for collections of electrical and non-electrical items on specific days in the South and West and North and East areas of the town.

167. Mattresses require a further separate collection, currently undertaken every fortnight on Mondays (except Bank Holidays) and must be collected alone with no other bulky waste items. A maximum of three mattresses per property is permitted. This is a popular service and up to 50 mattresses are collected each time.
168. Full details are requested regarding the items to be collected at the point the resident makes the booking and this determines the collection date(s) for the items depending on what they are. Most bookings are for furniture items, electrical goods and mattresses.
169. **Update** - Following the receipt of the above evidence, budget proposals – relevant to the Panel's remit – were shared with Members. An update in relation to the proposals is contained at paragraph 73 the report and in relation to charging for bulky waste collections in particular starting at paragraph **85**. The proposal is to introduce a charge of £24.50 for up to five items.
170. The Service Area did not anticipate the charges would have an adverse impact on the use of the bulky waste service or in relation to fly-tipping. The service had previously incurred a charge for collections prior to the free service being introduced which had always operated successfully. In addition, advice is provided to residents when they book bulky waste collections as to whether any of the items could be donated to charities, such as FRADE, where possible.

#### Collection of Fly-Tipped Waste

171. A report produced by 'Lovejunk'<sup>8</sup>, an online marketplace which connects householders and businesses to verified waste collectors who are licensed by the Environment Agency, highlighted that in 2023 there were **1,082,673** fly-tipping incidents in England. This was similar to the previous year's (2022) figure of **1,091,019** incidents. The national average rate of fly-tipping was 19 incidents for every 1,000 residents.
172. Councils with the highest rates of fly tipping are all located in London: City of London (276), Westminster (145), Camden (144), Hackney (105) and Brent (102). Councils with the lowest rates were Scilly Isles (0), Oadby and Wigston (0), Amber Valley (1), Ryedale (2) and Craven (2).
173. It reports that in 2022-23, 1,665 fly-tipping incidents were prosecuted, this equates to a 1 in 500 prosecution rate. 181 (59%) Councils did not make any prosecutions for fly-tipping, despite suffering a total of 502,708 fly-tips between them. Of the prosecutions undertaken, only 1% (21) of offenders received a custodial sentence.
174. A total of **73,316** FPNs were issued by local authorities in relation to fly-tipping – an issue rate of 7% of all fly-tipping incidents.
175. 14% of Councils did not issue any FPNs for fly-tipping, despite suffering 44,291 incidents between them. Of the FPNs that were issued, only 13% were paid, meaning less than 1% of all fly-tipping incidents resulted in a local authority fine being paid.
176. The cost to the public for fly-tipping was almost **£82,688,203** – or the equivalent of £76 per fly-tip incident. This means that local authorities in England spent around **£64 million** clearing fly-tipped waste (an average of £59 per incident). An additional **£19 million** was spent by local authorities on actions to catch and punish fly-tip perpetrators (an average of £17 per incident).

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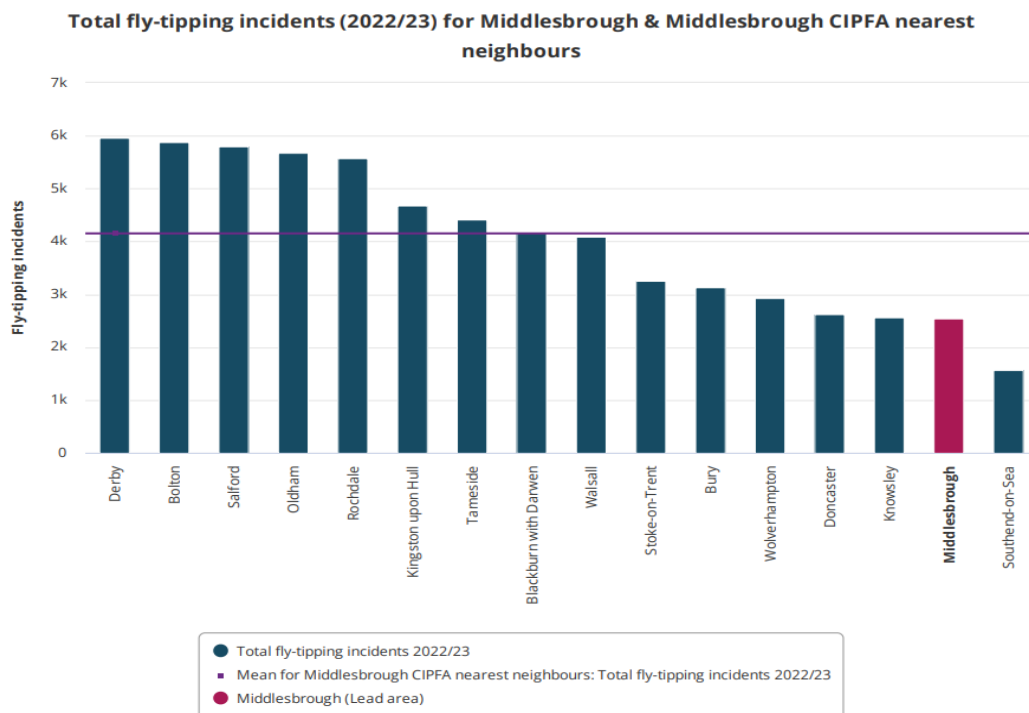
<sup>8</sup> Lovejunk Fly-tipping report 2024 (www.lovejunk.com)

177. In the Tees Valley, fly-tipping statistics for England March 2022 to April 2023<sup>9</sup> are as follows:-

Local Authority	Total Fly-tipping incidents	FPNs issued
Middlesbrough	2,553	72
Hartlepool	1,995	36
Redcar and Cleveland	6,945	123
Stockton on Tees	1,741	3
Darlington	3,191	7

178. In 2022-23, Redcar and Cleveland Council dealt with the highest number of fly-tipping incidents in the Tees Valley with 6,945 incidents, however, this had fallen from 8,617 incidents (19%) for the previous year.

179. The chart below shows how Middlesbrough's fly-tipping incidents compares to its nearest CIPFA neighbours in 2022/23.



180. In Middlesbrough, the Environmental Enforcement Team, comprised a Senior Warden; seven Environmental Wardens and six Area Care Operatives, and is co-located within the Neighbourhood Safety and Street Warden Service. The Team is responsible for clearing and investigating fly-tipping using a 'sort it not report it' approach.

181. As well as focussing on fly-tipping, the Team's other duties included:-
- waste presentation (how bins/waste was presented for collection).
  - checks on commercial businesses to ensure they had the correct waste disposal arrangements in place (the Council was able to prosecute if this was not the case).
  - Abandoned vehicles (untaxed vehicles could be seized).

<sup>9</sup> DEFRA – Fly-tipping statistics for England – March 2024

- Stray dogs (not dangerous dogs)
- Littering
- Enforcement of Public Spaces Protection Orders (PSPOs) (currently in place for the TS1 area).
- Fly-posting (illegal advertising).

182. The Team has a range of tools and powers available to them, depending on the issue being investigated, including: provision of advice and/or guidance; issuing informal or formal warnings; issuing fixed penalty notices; prosecution. The Council's Enforcement Policy is in the process of being updated.
183. The Team works closely with the Council's Legal Service to ensure the most appropriate course of action for each situation is used, particularly when dealing with criminal matter to ensure the standard for evidence is met. Members were notified that the Council's Enforcement Policy was in the process of being updated.

**TERM OF REFERENCE E - To consider how Middlesbrough can prepare for, and comply with, compulsory food waste collections once introduced**

184. More than **10 million tonnes** of food is wasted in the UK every year with much of this being sent to landfill.
185. Food waste contributes to climate change in two ways – through releasing gases (such as methane) as it breaks down in landfill; and through waste of the energy and resources needed to produce wasted food.
186. In 2021 and 2022, it was estimated that the greenhouse gas emissions associated with wasted food and drink in the UK accounted for approximately 18 million tonnes of CO2 equivalent.
187. In England, there are currently no mandatory requirements for local authorities to collect food waste from households, however, the UK Government intends to introduce consistency in household and business recycling in England which will include a separate food waste stream. As part of its ‘Simpler Recycling Plan’, local authorities will be required to offer a weekly collection of food waste from households. This will apply from 31 March 2025 for non-household premises and from **31 March 2026 for households**.
188. Currently, around 50% of waste collection authorities offer a food waste collection service. This means that approximately 160 English local authorities will need to design and launch collection services by March 2026.



\*Example of food caddy waste container

189. In March 2024, the Department for Environment, Food and Rural Affairs (DEFRA) announced up to £295 million capital funding to support Local Authorities in England to introduce weekly food waste collections by 31 March 2026.
190. The funding will cover new food waste containers for homes and specialist collection vehicles and is targeted at local authorities that have yet to fully implement food waste collection services.
191. Middlesbrough Council does not currently operate a food waste collection service and has been allocated £930,834 of funding<sup>10</sup>, by the Government, for this purpose. Plans are being drawn up as to how this will look but have not yet been shared with Members.
192. In anticipation of the introduction of compulsory food waste collections in 2026, as part of ongoing education initiatives, the Environmental Sustainability Manager is able to offer practical advice on meal planning and budgeting so that buying only food that is needed can help to reduce food waste in the first instance.

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<sup>10</sup> DEFRA Food waste collection grant determination 2024 (published 25/04/24)



## TERM OF REFERENCE F - To identify best practice and ideas from other local authorities that have good recycling rates

### Global Recycling League Table

193. In May 2024, the 'Global Recycling League Table: Phase One Report'<sup>11</sup> was published by Eunomia Research Consulting in conjunction with Reloop, the Welsh Government, the Can Manufacturers Institute, TOMRA Recycling, and the International Aluminium Institute, to coincide with World Environment Day.
194. The report examines the recycling performance of 48 countries, including the countries that report the highest recycling rates and many of the world's largest economies. The study also includes lower income countries in Latin America, Asia and Africa, to highlight global disparities.
195. The report compares countries' recycling rates on a like-for-like basis with focus on 'municipal waste' recycling rates in line with the definition used by the EU. (Municipal waste is household waste and waste from other sources that are similar in nature and composition to household waste).
196. Of the 48 countries that were studied, Wales was named the second-best country for recycling. England was 11<sup>th</sup> and Scotland 15<sup>th</sup>.



### Recycling in Wales

197. Wales has placed particular focus on improving recycling rates in recent decades, with initiatives including the setting of statutory targets for local councils and asking all households to separate out their food waste. High recycling rates have resulted in some councils moving to monthly residual waste collections.
198. The Welsh Government puts the average recycling rate at **66%**, with Pembrokeshire and Swansea recycling **72%** of collected waste.
199. The average 66% recycling rate across Wales equates to around **£102 million** saved by recycling waste as opposed to disposal and avoided **394,000 tonnes** of CO2 emissions<sup>12</sup>.
200. The Welsh Government is aiming for Wales to recycle, reuse or compost 70% of its waste by 2025 and to become a 'zero waste nation' by 2050.

<sup>11</sup> Global recycling league table Phase One Report – Eunomia Research & Consulting & Reloop

<sup>12</sup> [Welsh local authority recycling data | My Recycling Wales](#)

## Pembrokeshire County Council, Wales - Share, Repair, Reuse Network

201. As mentioned, Pembrokeshire County Council achieved a recycling rate of 70% in 2022/23. It operates a weekly collection of food waste and recyclable materials from the kerbside, but interestingly, there are five separate recycling receptacles that residents must use having pre-sorted their own recycling. There is a blue box for paper only, a green box for glass only, a blue bag for cardboard and brown paper, a red bag for tins, aluminium and plastics, and a separate food waste caddy. Residual waste is collected on a three-weekly basis and uses black sacks rather than wheeled bins.
202. Pembrokeshire County Council's launched its 'Share, Repair and Reuse Network' in 2021. The network includes repair cafes, with individual specialisms, a library of things in Haverfordwest, and re-manufacture workshops that take, repair, upcycle and sell unwanted objects to support local charities.
203. The repair network includes training and workshops, providing skills training and job opportunities for residents and people who face barriers to work. The council works in close partnership with employment charities. The scheme enables people to access lower-cost solutions and has raised awareness of the benefits of a circular economy.
204. Developing a digital platform as well as considering the location of facilities has been key to community uptake and inclusion. Working in partnerships and using a proven business model that combines income and non-income-generating elements have also contributed to making the network a success.

## Recycling in England

205. Having been named 11<sup>th</sup> in the Global League Table for Recycling, the average recycling rate in England is **43%** (2022/23, latest figures available), with the North East region having the lowest rate of recycling at **31.2%**.

## South Oxfordshire District Council

206. In 2022/23 South Oxfordshire District Council was the best local authority in England for recycling, with a rate of **61.6%**. It was second in 2021/22 with a rate of 62.7%.
207. South Oxfordshire operates fortnightly residual waste and recyclable waste collections (alternative weeks) and a weekly food waste collection service. It also provides an optional fortnightly green waste collection service which operates from mid-April to early November and is currently charged at £69 for the year for those wishing to subscribe.
208. Garden waste is recycled outside using a process called Open Windrow and the end product is sold to local farmers. Only garden waste collected from the Council's brown bins is accepted and no packaging (not even compostable packaging) is permitted as it would pose a potential litter issue due to the process taking place outdoors.
209. The council's website contains useful information regarding the materials that can and cannot be recycled, tips for reducing and reusing waste and what happens to collected recycling materials.

## Three Rivers District Council - Boosting Recycling Services

210. In 2019/20, Three Rivers District Council in Hertfordshire recycled 64.1% of its waste – the highest recycling rate in England at that time. The Council attributes the high rate to several factors: co-operation with neighbouring councils, effective communication and community engagement, and a wide range of recycling services.
211. The amount of waste disposed of in general waste bins has reduced, which is linked to logistical practices – weekly collections of recycling and food waste and a reduction to fortnightly collections of general waste. The council also offers services for specialist waste items, collecting textiles and

offering a reusable nappy discount scheme. Assisted collection services enable older residents and people with disabilities to recycle more waste and engage with schemes, increasing the accessibility of services.

212. Three Rivers focuses on education ahead of punitive measures, from addressing contamination issues, to delivering talks in the community and at schools. The council's local plan also encourages waste minimisation through planning – developers are encouraged to build recycling infrastructure into applications.
213. Three Rivers was again best local authority in England for recycling in 2021/22, with a recycling rate of 63.7%, and second in 2022/23 with a rate of 61.5%.

### New Technologies – Smart Bins

214. Smart bins are waste containers with an intelligent system that provides detailed insight into the amount and types of waste inside the bin. They can help maximise space for public rubbish and optimise waste collection services in busy locations like shopping centres, airports, schools, and hospitals.
215. Smart bins work by using various technology such as integrated fill-level sensors, image recognition, robotic technology and real-time monitoring and analytical software which respectively recognise when an item is deposited, identify and segregate different waste streams and allow waste management services to streamline their collection schedules to save time and fuel for collection vehicles.
216. Many smart bins also have an environmentally friendly compactor that allows them to house up to eight times more waste and avoid overflowing. The compactor is solar-power operated and compresses the waste, meaning fewer bins are needed to collect the same amount of rubbish.
217. The bins also have intelligent safety sensors to stop compaction if movement is detected, such as a hand for example, preventing accidental injuries. They can also identify fires, alert the monitoring station, and even extinguish flames to lighten the load on local fire brigades.

### Advantages

218. Smart bins can be a real asset to busy town/city centres and other high-traffic areas by offering:-
  - A compaction system to maximise the capacity of the container.
  - No overflowing bins, significantly improving public hygiene (no unpleasant smells, attracting pests, etc.).
  - Optimised routes for waste collection services. Waste is only collected when the bin is full, which means less emissions, fuel use, workforce time, and traffic congestion.
  - An intuitive dashboard helps operators track diversion rates, spot trends, and make strategic decisions.

### Disadvantages

219. While smart bins offer some effective ways to improve the collection and disposal of waste, challenges still remain, such as:-
  - Dependence on technology — Any components that fail (e.g., the connectivity or sensors) can disrupt the waste management process. Data security concerns can also arise if it's not managed correctly.
  - The cost of smart bins is still off-putting for many businesses and organisations. This relates to the upfront cost of implementation and subsequent maintenance costs.
  - Smart bins could reduce the need for manual waste management, increasing unemployment for unskilled workers.

- Lack of versatility — Smart containers are only practical for locations with high footfall and substantial waste production.

220. Smart bins were first used in the UK in 2011. A number of local authorities in England have trialled and/or installed smart bins, including:-

- Basildon
- Bath
- Bradford
- Bournemouth
- Cheshire West and Chester
- Colchester
- Essex
- Greenwich
- Harlow
- Harrogate
- Lambeth
- Lincoln
- Liverpool
- Manchester
- Sutton
- Wirral

221. Below are some examples of smart bin use by randomly selected Councils following some desktop research.

#### Liverpool City Council

222. In August 2024, Liverpool City Council announced that it will trial new solar-powered smart bins that aim to reduce the number of times they need to be emptied.



223. The bins work by using sensor technology which triggers a compactor to crush the litter down once the bins are close to being full – sending a signal to the waste depot when the bins are close to capacity. Liverpool Council said that this technology allows the bins to take up to 100% more litter than standard bins.

224. To start the trial, 20 bins will be installed at several key locations across the city.

225. The trial forms part of a new £2.5 million plan adopted by Liverpool City Council aiming to tackle litter and fly tipping and to improve satisfaction levels for cleansing from 39% closer to the national average of 61%.

226. The plan also includes a new environment and anti-social behaviour taskforce supported by a new external enforcement provider.

227. The council said that it will also seek to increase fixed penalty notices to the maximum level permitted under new legislation – for litter, fly tipping and other environmental offences i.e. graffiti and dog fouling. A new CCTV system will be used to identify and prosecute fly-tippers.

### Sutton Council

228. Sutton has more than 1,000 public litter bins and ensuring they are not overflowing was a challenge as it was not possible to empty them daily due to cost and the impact of collection vehicles on the carbon footprint.
229. Smart bins were trialled in 2019 and 2020, falling into two main categories – solar-powered compactor bins and existing or new bins were fitted with fill level sensors which provided continuous monitoring to make bin emptying as efficient as possible.
230. In 2019 Sutton trialled smart bins in the High Street. 21 standard litter bins were replaced with 10 'compactor smart bins'. These squash the litter to fit more in and report remotely on fill levels. The results were impressive. During the first four weeks of the trial:-
- A. 43,949 litres of waste was collected
  - B. there was a 90% reduction in collections
  - C. levels of street cleanliness were not affected
  - D. the street scene was improved and decluttered

## **CONCLUSIONS**

231. Based on the information provided throughout the investigation, the Panel's conclusions are as follows:-
- A) The Panel found that, in 2022/23, Middlesbrough had one of the highest rates of local authority collected waste; household waste; and household waste per person amongst its local, regional and nearest Cipfa neighbours. The amount of residual waste collected by Middlesbrough in 2022/23 has increased from the previous year and is above the regional and national average.
  - B) The percentage of household waste sent for reuse, recycling and composting in Middlesbrough in 2022/23 has reduced from the previous year and is below the regional, nearest Cipfa neighbours and national average. A reduction in recycling rates in Middlesbrough is also due to the amount of waste sent for reuse, recycling and composting that is contaminated. This is significantly higher in Middlesbrough than the regional, nearest Cipfa neighbours and national average. Locally, Middlesbrough and Stockton have the highest rates of residual waste, per person, and poorest recycling rates. Both councils operated a weekly residual waste collection service which supports the theory that, in general, weekly residual waste collections result in poorer recycling rates, however, Middlesbrough moved to a fortnightly collection model in August 2024.
  - C) The Panel recognises the significant financial pressures under which the Council is placed and notes the cost of residual waste disposal has increased year on year. With delays in the procurement of the new energy from waste facility, it is anticipated that gate fees are set to double by 2026, meaning that it is crucial to reduce the amount of residual waste being sent for disposal to reduce disposal costs. The cost of disposing of recyclable materials through the various streams is significantly lower than those disposal costs for residual waste which is a factor in the necessity to drive up recycling as well as improving the Council's contribution to reducing the impact of climate change.
  - D) The Panel is supportive of the Council's implementation of a move to fortnightly collections for residual waste in line with most other councils in England. It is hoped this will make householders think twice about the amounts of residual waste they are generating and drive-up recycling rates. In turn, by doing so, this will ease some of the financial pressures on the service by reducing residual waste disposal costs.
  - E) The Panel acknowledges, however, that Middlesbrough has a high proportion of terraced properties and accepts that it can be more difficult for those households to recycle with limited outdoor space/storage for various waste streams. Additionally, these properties lack gardens and outdoor green space so produce none or very little green waste which contributes to recycling rates. New and future housing developments tended to have gardens and green spaces so it is possible that, over time, there will be a gradual increase in green waste produced and also an improvement in the recycling rates of other materials as residents have more space for storage.
  - F) The Panel recognises the issues around identifying what can and cannot be recycled and welcomes the good work already being undertaken by the Service Area in relation to educating and assisting households with this and also the work undertaken by volunteer groups across Middlesbrough.
  - G) The Panel supports the implementation of the chargeable green waste collection service (implemented in May 2024). The subscription service has proved to be popular with residents and take up has far exceeded expectations (double projected take-up), in turn, generating additional income (standing at £915,820 as of August 2024).
  - H) Compared to its nearest Cipfa neighbours, Middlesbrough has the second lowest number of fly-tipping incidents, but one of the highest locally and the Panel recognises the increase in enforcement action that has taken place making Middlesbrough the best performing local

authority in the Tees Valley in relation to enforcement action against fly-tippers (72 FPNs issued in relation to 2,553 reported incidents during 2022/23).

- I) The Panel recognises that fly-tipping is costly to the Council in terms of clearing and pursuing enforcement action and welcomes the Council's efforts to increase environmental enforcement activity through the creation of a dedicated, co-located team.
- J) Middlesbrough operates a popular bulky waste collection service and is one of a few local authorities in England that offers a free service. The current system operates on two levels, with a chargeable option to speed up collection waiting times. This is a non-statutory service and the Panel found that in 2022/23 the cost to the Council of providing the service (£128,000) far exceeded the income it generated (£22,000). As part of the Council's budget setting process, approval was given to implement a fully chargeable service.
- K) In light of increasing waste disposal costs, the Panel supports the implementation of a fully chargeable bulky waste collection service, again bringing Middlesbrough in line with the majority of councils in England.
- L) The Panel acknowledges that food waste collections must be implemented by 31 March 2026 and notes that such collections will contribute to increasing recycling rates in Middlesbrough.
- M) Many Councils that perform well on recycling are situated in areas with ample green spaces and properties with gardens. In addition, some of the better performing councils already collect food waste - including Welsh local authorities who have collected food waste for some time.

## **RECOMMENDATIONS**

232. Based on the evidence gathered during the investigation, and the conclusions, the Scrutiny Panel makes the following recommendations for consideration by the Executive:-
- A) To maximise participation in recycling, the Panel recommends that the Service area continues to work with experts in the field to develop a comprehensive communication and community engagement plan informing households about the changes that have taken place and future changes regarding all waste collections and how they can make a difference by recycling. This should include:-
    - i) A video on the Council website and social media accounts showing what happens to our recycling, from collection to processing at the recycling plant, with clear information on each of the waste streams (recycling, residual, green waste and future food waste), which bin/receptacle materials should be placed in, together with details about how to access the green waste subscription service and bulky waste collections and associated charges.
    - ii) A clear, pictorial leaflet to be distributed to households (potentially with annual Council Tax bill), and made available in public buildings (community hubs, libraries, etc) illustrating which materials can be placed in each bin, and a list of items that cannot be recycled. This should be replicated on the Council's website, in a prominent location, and social media accounts, and also be made available in languages other than English.
  - B) That the Service area develops a programme of education and outreach work with key partners, volunteers, and community groups, to tackle low recycling rates, contamination and fly-tipping in hot spot areas.
  - C) That customer satisfaction, in relation to waste collection and recycling services (including green waste collection and bulky waste collections if applicable) be monitored through the Council's existing residents' survey. Feedback will assist the Service Area to monitor and evaluate outcomes such as identifying good practice and any recurrent issues.
  - D) To review the Council's Green Strategy and relevant policies - particularly in relation to planning and new housing developments, to ensure that recycling and waste minimisation requirements are embedded, for example, ensuring all new housing developments are designed with the space and facilities (individual properties and communal) - to encourage sustainable waste management and promote recycling.
  - E) That the environmental enforcement work being carried out be significantly increased and that a campaign be launched within the next 12 months to raise awareness around fly-tipping and the associated penalties, including information for householders around using only licensed waste carriers.
  - F) That the Service Area provides the Scrutiny Panel with an update on progress in relation to all of the recommendations, within the next 12 months.



## **ACKNOWLEDGEMENTS**

The Scrutiny Panel would like to thank the following for their assistance with its work:-

Geoff Field	Director of Environment and Community Services
Andy Mace	Former Head of Environment Services
Katie Bargewell	Environment Services Manager
Craig Coverdale	Former Environment Services Manager
Gary Fisher	Waste Disposal Manager
Sam Garside	Environment Sustainability Manager
Peter Salt	Waste Collections Manager
Marion Walker	Head of Neighbourhoods
Dale Metcalfe	Operational Community Safety Manager
Emi Imai	Boro Doughnut
Cumbria Waste Disposal	

## **BACKGROUND PAPERS**

The following sources were used/referred to in the preparation of this report:-

Reports to, and minutes of, the Environment Scrutiny Panel meetings: 9 October, 13 November, 11 December 2023, 15 January, 5 February, 4 March and 20 May 2024.

(Reference to various sources of information throughout the report is detailed in footnotes).

### **COUNCILLOR J RYLES CHAIR, ENVIRONMENT SCRUTINY PANEL**

**Membership of the Panel: Councillors: D Branson (Vice Chair), J Banks, J Ewan, T Grainge, L Mason, I Morrish, M Nugent and S Platt.**

Contact Officer: Joanne Dixon  
Democratic Services Officer  
Legal & Governance Services  
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<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Director of Legal and Governance Services
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<b>Submitted to:</b>	Overview and Scrutiny Board
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<b>Date:</b>	23 October 2024
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<b>Title:</b>	Setting the Scrutiny Work Programme 2024/2025
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<b>Report for:</b>	Decision
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<b>Status:</b>	Public
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<b>Strategic priority:</b>	All
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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>
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Overview and Scrutiny Board is asked to consider and agree individual Panel work programmes for the 2024/25 Municipal Year.

When considering the work programme, the Board is asked to ensure that topics agreed for inclusion:

- Affect a group of people living within the Middlesbrough area.
- Relate to a service, event or issue in which the Council has a significant stake or over which the Council has an influence.
- Are not issues which the Overview and Scrutiny Board or the scrutiny panels have considered during the last 12 months.
- Do not relate to an individual service complaint.
- Do not relate to matters dealt with by another Council committee, unless the issue deals with procedure.

## **Purpose**

1. The purpose of the report is for the Overview and Scrutiny Board to determine the People Scrutiny Panel's Work Programme for 2024/2025.

## **Background and relevant information**

2. At the start of every Municipal Year, scrutiny panels discuss the topics that they would like to review during the coming year. Work programmes are useful as they provide some structure to a scrutiny panel's activity and allow for the effective planning and preparation of work. As part of the process for establishing the work programme, support officers gather information/views from a number of sources.
3. The topics agreed by the People Scrutiny Panel for the municipal year 2024/2025, at its meeting on 16 September 2024, are listed below for the Board's approval.

### In-depth reviews:

- Children Missing from Education.
- Homelessness.
- Obesity.

### Updates:

- South Tees Safeguarding Children Partnership (STSCP).
- Teeswide Safeguarding Adults Board (TSAB).
- Medium Term Financial Plan Refresh for Children's Services and Environment and Adult Social Care and Health Integration Directorates.

### Possible Updates:

- Children's Mental Health.
- Dental Recovery Progress.
- Special Allocation Scheme.
- Speech and Language CYP Services.

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

9. That in respect of the scrutiny work programme for 2024/2025 the Overview and Scrutiny Board approves the inclusion of those topics put forward by the People Scrutiny Panel.

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

10. The Overview and Scrutiny Board is required to consider and approve the Scrutiny Work Programme for the forthcoming Municipal Year.

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

11. No other options are put forward as part of the report.

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

## **Legal**

12. Not Applicable

## **Strategic priorities and risks**

13. Open and transparent scrutiny supports all elements of the Council's Strategic Objectives.

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

14. Not Applicable.

## **Financial**

15. Not Applicable.

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

Action	Responsible Officer	Deadline

## **Appendices**

1	Scrutiny Topic Selection Aid
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## **Background papers**

Body	Report title	Date
Scrutiny Panels	Work Programme Reports	Various

**Contact: Scott Bonner/ Joanne Dixon**

**Email: [scott\\_bonner@middlesbrough.gov.uk](mailto:scott_bonner@middlesbrough.gov.uk)/**

**[Joanne\\_dixon@middlesbrough.gov.uk](mailto:Joanne_dixon@middlesbrough.gov.uk)**

APPENDIX 1



<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Chief Executive
<b>Relevant Executive Member:</b>	Not applicable
<b>Submitted to:</b>	Overview and Scrutiny Board
<b>Date:</b>	23 October 2024
<b>Title:</b>	Executive Forward Work Programme
<b>Report for:</b>	Discussion
<b>Status:</b>	Public
<b>Council Plan priority:</b>	Delivering Best Value
<b>Key decision:</b>	Not applicable
<b>Why:</b>	Not applicable
<b>Subject to call in?:</b>	Not applicable
<b>Why:</b>	Not applicable

<b>Proposed decision(s)</b>
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It is recommended that the Overview and Scrutiny Board consider the content of the Executive Forward Work Programme.
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<b>Executive summary</b>
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OSB has delegated powers to manage the work of Scrutiny and, if appropriate, it can either undertake the work itself or delegate to individual Scrutiny Panels.
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One of the main duties of OSB is to hold the Executive to account by considering the forthcoming decisions of the Executive and decide whether value can be added by Scrutiny considering the matter in advance of any decision being made.
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This would not negate a Non-Executive Member's ability to call-in a decision after it has been made.
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**1. Purpose**

1.1 To make OSB aware of items on the Executive Forward Work Programme.

**2. Recommendations**

2.1 That the Overview and Scrutiny Board It is recommended that the Overview and Scrutiny Board consider the content of the Executive Forward Work Programme.

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

3.1 OSB has delegated powers to manage the work of Scrutiny and, if appropriate, it can either undertake the work itself or delegate to individual Scrutiny Panels.

3.2 One of the main duties of OSB is to hold the Executive to account by considering the forthcoming decisions of the Executive and decide whether value can be added by Scrutiny considering the matter in advance of any decision being made.

3.3 This would not negate a Non-Executive Member’s ability to call-in a decision after it has been made.

**5. Other potential alternative(s) and why these have not been recommended**

5.1 Not applicable.

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

**6.1 Financial (including procurement and Social Value)**

Not applicable

**6.2 Legal**

Not applicable

**6.3 Risk**

Not applicable

**6.4 Human Rights, Public Sector Equality Duty and Community Cohesion**

Not applicable

**6.5 Climate Change / Environmental**

Not applicable

**6.6 Children and Young People Cared for by the Authority and Care Leavers**

Not applicable

**6.7 Data Protection**

Not applicable

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

Action	Responsible Officer	Deadline
Implement any decision of the Overview and Scrutiny Board with regard to the	Relevant Officer	As directed by OSB



Executive Forward Work Plan.		
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## Appendices

A	Forward Work Plan
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## Background papers

Body	Report title	Date
NA		

**Contact:** Scott Bonner/ Joanne Dixon

**Email:** [scott\\_bonner@middlesbrough.gov.uk](mailto:scott_bonner@middlesbrough.gov.uk)/[joanne\\_dixon@middlesbrough.gov.uk](mailto:joanne_dixon@middlesbrough.gov.uk))

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## Forward Plan 1 September 2024 - 31 May 2025

FOR THE PERIOD 15 OCTOBER 2024 TO 31 MAY 2025

Ref No. / Ward	Subject / Decision	Decision Maker and Decision Due Date	Council Strategy	Key / PFP	Likely Exemption	Background documents	Member / Officer Contact
The Mayor and Executive Member for Adult Social Care and Public Health							
1021326 All Wards	LiveWell South Tees Health and Wellbeing Strategy The Health and Wellbeing Strategy is owned by Live Well South Tees, Health and Wellbeing Board, and is a partnership strategy that aims to tackle complicated issues that cannot be solved by any single agency. The nine missions	Executive 28 Oct 2024		KEY	Public		The Mayor and Executive Member for Adult Social Care & Public Health <i>Mark Adams, Director of Public Health - South Tees</i> <i>mark_adams@middlesbrough.gov.uk</i>

Ref No. / Ward	Subject / Decision	Decision Maker and Decision Due Date	Council Strategy	Key / PFP	Likely Exemption	Background documents	Member / Officer Contact
	described in the Strategy will contribute significantly to the delivery of the Council Plan (2024 – 2027)						
I021218 All Wards  Page 68	Corporate Performance Q2 2024/25 This report advises the Executive of corporate performance at Quarter 2, and 2024/2025 Year End, providing the necessary information to enable the Executive to discharge its performance management responsibilities and where appropriate, seeks approval of any changes or amendments, where these lie within the authority of the Executive.	Executive 13 Nov 2024			Public		The Mayor and Executive Member for Adult Social Care & Public Health <i>Clive Heaphy, Chief Executive</i> <i>clive_heaphy@middlesbrough.gov.uk</i>

Ref No. / Ward	Subject / Decision	Decision Maker and Decision Due Date	Council Strategy	Key / PFP	Likely Exemption	Background documents	Member / Officer Contact
I018729 Linthorpe	<p>EXEMPT: Options for Utilisation of Levick Court Residential Care Home</p> <p>As part of the budget savings the re-provisioning of Levick Court Residential Care Home was identified and within that included the option to provide alternative residential care for the current service users and seek opportunities to maximise the utilisation of the property working with partner organisations. Approval is therefore required on the recommended option and the potential to consult with staff in terms of potential redundancies.</p>	Executive 13 Nov 2024		KEY	Fully exempt		<p>The Mayor and Executive Member for Adult Social Care &amp; Public Health  <i>Suzanne Hodge</i>  <i>suzanne_hodge@middlesbrough.gov.uk</i></p>

Ref No. / Ward	Subject / Decision	Decision Maker and Decision Due Date	Council Strategy	Key / PFP	Likely Exemption	Background documents	Member / Officer Contact
	Approval is being sought on the recommended option for the utilisation of Levick Court Residential Care Home						
1021277 All Wards	Target Operating Model To inform Executive about the emerging Target Operating Model and the proposed transformation to the Council's future ways of working	Executive 13 Nov 2024			Public		The Mayor and Executive Member for Adult Social Care & Public Health <i>Charlotte Benjamin</i> <i>charlotte_benjamin@middlesbrough.gov.uk</i>
1021151 All Wards	Auto-enrolment of Free School Meals and maximising Pupil Premium Funding Pilot across Middlesbrough A follow up report on the Auto-enrolment of Free School Meals and maximising Pupil Premium Funding Pilot in	Executive 4 Dec 2024		KEY	Public		The Mayor and Executive Member for Adult Social Care & Public Health <i>Anne Rose</i> <i>anne_rose@middlesbrough.gov.uk</i> , <i>Janette Savage</i> , Head of Resident and Business Support <i>Janette_Savage@middlesbrough.gov.uk</i>

Ref No. / Ward	Subject / Decision	Decision Maker and Decision Due Date	Council Strategy	Key / PFP	Likely Exemption	Background documents	Member / Officer Contact
	Middlesbrough						
<b>Deputy Mayor and Executive Member for Education and Culture</b>							
I021086 All Wards	SHiFT Progress Report The report is going to Executive to give an update on the progress of the SHiFT programme	Executive 8 Jan 2025			Public		Deputy Mayor and Executive Member for Education and Culture <i>Kay Dargue, Head of Partnerships</i> <i>kay_dargue@middlesbrough.gov.uk</i>
<b>Executive Member for Environment</b>							
I019045 Warton East	Bracken Grange Footpath Connection Approval for the proposed scheme to progress to implementation during the 2024/25 financial year.	Executive Member for Environment 24 Oct 2024			Public		Executive Member for Environment <i>Craig Cowley</i> <i>craig_cowley@middlesbrough.gov.uk</i>
I020971 Central; Newport	Linthorpe Road Cycleway The report is being considered following Political decision to remove the cycleway provision on	Executive 28 Oct 2024		KEY	Public		Executive Member for Environment <i>Craig Cowley</i> <i>craig_cowley@middlesbrough.gov.uk</i>

Ref No. / Ward	Subject / Decision	Decision Maker and Decision Due Date	Council Strategy	Key / PFP	Likely Exemption	Background documents	Member / Officer Contact
	Linthorpe Road.						
1021219 All Wards	Highway Infrastructure Delivery Plan update To identify the highway improvements that the Council proposes to implement to better manage its network	Executive 4 Dec 2024		KEY	Public		Executive Member for Environment <i>Chris Orr</i> <i>Chris_Orr@middlesbrough.gov.uk</i>
<b>Executive Member for Finance and Governance</b>							
1021201 All Wards	Household Support Fund (HSF) Central Government has confirmed a further round of the Household Support Fund (HSF)	Executive 28 Oct 2024		KEY	Public		Executive Member for Finance and Governance <i>Martin barker</i> <i>martin_barker@middlesbrough.gov.uk</i>
1021309 All Wards	2024/25 Quarter 2 Revenue and Capital Monitoring and Forecast Outturn The report advises the Executive of the Council's forecast year-end financial outturn as at	Executive 13 Nov 2024		KEY	Public		Executive Member for Finance and Governance <i>Andrew Humble</i> <i>andrew_humble@middlesbrough.gov.uk</i>



Ref No. / Ward	Subject / Decision	Decision Maker and Decision Due Date	Council Strategy	Key / PFP	Likely Exemption	Background documents	Member / Officer Contact
	Quarter Two 2024/25, and seeks approval of budget virements within the revenue budget and revisions to the capital programme in relation to activity in Quarter Two.						
1019785 All Wards	Customer Transformation Programme To set out and seek approval of the proposed Customer Transformation programme which forms part of the Council's Recover, Reset, Deliver Transformation Portfolio	Executive 13 Nov 2024		KEY	Public		Executive Member for Finance and Governance <i>Janette Savage, Head of Resident and Business Support</i> <i>Janette_Savage@middlesbrough.gov.uk</i>
1021200 All Wards	Treasury Management Strategy 2024-25: Mid-Year Review The TMS is an important element of the Council's overall budget strategy and financial	Executive 13 Nov 2024			Public		Councillor Nicky Walker, Executive Member for Finance & Governance <i>Justin Weston</i> <i>Justin_Weston@middlesbrough.gov.uk</i>

Ref No. / Ward	Subject / Decision	Decision Maker and Decision Due Date	Council Strategy	Key / PFP	Likely Exemption	Background documents	Member / Officer Contact
Page 74	governance processes. The strategy is an important element of managing the risk on borrowing, investments and cashflow. Reporting to Executive on the mid-year position allows the Council to comply with the CIPFA treasury management code of practice and exemplar performance in this area						
1021302 All Wards	2025/26 Budget and MTFP The report provides an update to the Executive on the budget and Medium Term Financial Plan (MTFP) development process for 2025/26 to 2028/29 that will conclude with consideration and approval of the	Executive 4 Dec 2024		KEY	Public		Executive Member for Environment, Executive Member for Finance and Governance <i>Louise Antill, Andrew Humble</i> <i>andrew_humble@middlesbrough.gov.uk</i>

Ref No. / Ward	Subject / Decision	Decision Maker and Decision Due Date	Council Strategy	Key / PFP	Likely Exemption	Background documents	Member / Officer Contact
	<p>budget by Council in February 2025. The recommendations in this report are for formal noting and endorsing by Executive of a range of budget proposals aimed to balance the budget to go out to public consultation</p>						
<p>21303 All Wards</p>	<p>Calculation of Council Tax Base for 2025/26 The Council has a legal obligation to calculate a council tax base each financial year. The calculation of the council tax base is a part of the Council's budget strategy which forms part of the Council's Policy Framework. This report is part of the process to set the council tax base for the financial year</p>	<p>Executive 4 Dec 2024</p>		<p>KEY</p>	<p>Public</p>		<p>Executive Member for Finance and Governance <i>Andrew Humble</i> <i>andrew_humble@middlesbrough.gov.uk</i></p>

Ref No. / Ward	Subject / Decision	Decision Maker and Decision Due Date	Council Strategy	Key / PFP	Likely Exemption	Background documents	Member / Officer Contact
	2025/26 by the statutory deadline of 31 January 2025.						
<b>Executive Member for Regeneration</b>							
I019717 All Wards	Corporate Asset Management Plan Decision is required by Executive	Executive 13 Nov 2024		KEY	Public		Councillor Theo Furness, Executive Member for Regeneration <i>David Jamison</i> <i>david_jamison@middlesbrough.gov.uk</i>
I021275 All Wards	Housing Provision To seek Executive approval to utilise capital resources from the Towns Fund and Levelling Up Partnership to reduce expenditure on temporary accommodation.	Executive 13 Nov 2024		KEY	Public		Executive Member for Regeneration <i>Saiqa Azeem</i> <i>saiqa_azeem@middlesbrough.gov.uk</i>
I019345 All Wards	Management and Maintenance of Development Land / Nutrient Neutrality Mitigation The report seeks Executive approval of the resources required to maintain	Executive 13 Nov 2024		KEY	Public		Executive Member for Regeneration <i>Richard Horniman, Director of Regeneration</i> <i>Richard_Horniman@middlesbrough.gov.uk</i>

Ref No. / Ward	Subject / Decision	Decision Maker and Decision Due Date	Council Strategy	Key / PFP	Likely Exemption	Background documents	Member / Officer Contact
	land held prior to disposal / development and the management of land held fallow as part of the Nutrient Neutrality mitigation measures. Report seeks management resources to be capitalised as an abnormal cost to disposal receipts.						
19671 Marton East; Park	Middlesbrough Museums Options Appraisal Options appraisal requested by Executive to inform a decision about the future of the museum service related to required cost savings.	Executive 13 Nov 2024		KEY	Public		Councillor Philippa Storey, Deputy Mayor and Executive Member for Education and Culture <i>Gaye Kirby</i> <i>gaye_kirby@middlesbrough.gov.uk</i>
I019341 Berwick Hills and Pallister; Park End and Beckfield	Southlands Facility Contract Delivery To seek Executive approval to commence the contractor procurement process and	Executive 13 Nov 2024		KEY	Public		Executive Member for Regeneration <i>Richard Horniman, Director of Regeneration</i> <i>Richard_Horniman@middlesbrough.gov.uk</i>

Ref No. / Ward	Subject / Decision	Decision Maker and Decision Due Date	Council Strategy	Key / PFP	Likely Exemption	Background documents	Member / Officer Contact
	delivery of the Southlands Facility.						
1017049 All Wards	Capex Municipal Buildings and Town Hall Roofs Any matters relating to bids for funding, which are financially or strategically significant and have not been provided for within the financial and policy framework.	Executive 4 Dec 2024		KEY	Public		Executive Member for Regeneration <i>Teresa Garrett</i> <i>teresa_garrett@middlesbrough.gov.uk</i>
19349 All Wards	Cemetery Provision Setting out the future plan for cemetery provision.	Executive 8 Jan 2025		KEY	Public		Executive Member for Regeneration <i>Richard Horniman, Director of Regeneration</i> <i>Richard_Horniman@middlesbrough.gov.uk</i>