

PLACE SCRUTINY PANEL

A meeting of the Place Scrutiny Panel was held on Monday 27 January 2025.

PRESENT: Councillors D Branson (Chair), J Cooke, C Cooper, J Ewan, D Jackson, T Livingstone (Vice-Chair) and A Romaine

PRESENT BY INVITATION: P Gavigan (Executive Member for Environment and Sustainability)

OFFICERS: S Lightwing, A Johnstone and S Muir-Williams

APOLOGIES FOR ABSENCE: were submitted on behalf of Councillors J Kabuye and L Young

24/64 **WELCOME AND FIRE EVACUATION PROCEDURE**

The Chair welcomed all present to the meeting and read out the Building Evacuation Procedure.

24/65 **DECLARATIONS OF INTEREST**

There were no declarations of interest received at this point in the meeting.

24/66 **MINUTES - PLACE SCRUTINY PANEL - 6 JANUARY 2025**

The minutes of the Place Scrutiny Panel held on 6 January 2025 were submitted and approved as a correct record.

24/67 **FLOOD RISK MANAGEMENT ANNUAL UPDATE**

The Public Rights of Way Officer provided the annual update on flood risk management. Flood risk was a combination of the probability (likelihood or chance), of an event happening and the consequences (impact), if it occurred.

Flood risk was dependent on there being a source of flooding, such as a river, a route for the flood water to take (pathway), and something that was affected by the flood (receptor), such as a housing estate.

Without a pathway linking the source to the receptor, a flood might be a hazard, but not a risk. This concept was known as the source-pathway-receptor model.

Return periods were often used to describe how often a flooding event might occur. So for example, a 1 in 50-year flood had a two percent probability of occurring in any one year.

Flooding sources included: coastal and erosion, river (fluvial), surface water (pluvial) flooding and groundwater. There was also potential risk of flooding from failure of infrastructure, including reservoirs and sewer systems.

Over the last two years, Middlesbrough Council had moved from a reactive to a planned response to flood risk. The Council had been receiving an increased number of requests about blocked drains and spent a great deal of time reacting to freeing those blockages.

Key tree-lined routes had been identified and were swept more often to try and prevent fallen leaves blocking gullies. In advance of any predicted storms or bad weather, grills and outfalls in becks were checked and cleared. A new programme of regular road gully cleaning had also been implemented.

The Council was working with Northumbrian Water Limited (NWL) on Stage 1 and Stage 2 studies to identify areas that were at high risk of flooding.

In addition a programme of highway drainage and culvert surveys was also being undertaken.

The Council also worked with the Environment Agency (EA) to identify properties at risk of flooding, the source of flooding and how this could be mitigated. Flood alleviation schemes had been completed at Saltersgill/Beechwood fields and Cornwall Close. An outline business case for an alleviation scheme had been submitted in respect of Ormesby Hall and a study was being undertaken at Shevington Grove.

Members were shown photographs of the schemes at Saltersgill/Beechwood and Cornwall Close where bunds had been installed to hold back excess water and allow it to drain away naturally to avoid the area flooding.

There were approximately 27,000 gullies in Middlesbrough which required ongoing maintenance. Surveys had been undertaken to measure the silt levels in the gullies and how quickly the gullies filled up with silt again after cleaning. A cyclical programme of drainage cleansing had been devised according to need, ensuring that those gullies that filled up with silt the quickest were cleaned more regularly to prevent any blockages.

The gulley network had been divided into different areas – main roads, rural, town centre and estates. It was a 3-year cycle and time was built in to the regular programme to enable the Council to react promptly to any reports of blocked drains. Members were shown a breakdown of the programme by Ward area.

It was clarified that older housing estates were more likely to have a combined system for surface water and sewage whereas new developments had separate system. Northumbrian Water were usually responsible for the main drains under the roads.

The Officer invited Councillors to report any flooding issues in their Wards to him. In relation to climate change, and the more regular occurrence of storms, the probability calculations had been updated. Housing Developers had to attenuate for a 1 in 100-year storm plus 40% for climate change. The Environment Agency updated their calculations constantly.

The Council had a responsibility to ensure that new developments mimicked green field run-off – so that there was no change when a new development was built. Housing Developers had to provide their calculations to the Council for checking.

Water had to be dealt with at source and managed to ensure that after a storm the main networks did not flood. In respect of driveways – if they were extended by more than 5m³, planning permission would be required to ensure a soakaway was included. In respect of artificial grass it was unclear as to whether or not planning permission would be needed in the same way as for a concrete driveway.

The Chair thanked the Officer for his presentation.

AGREED that the information provided was received and noted.

24/68

RIPA (REGULATION OF INVESTIGATORY POWERS) ANNUAL UPDATE

The Head of Policy, Governance and Information provided the Annual Update on the Regulation of Investigatory Powers (RIPA).

RIPA was the law governing the use of surveillance techniques by public authorities, including local authorities. RIPA required that when public authorities need to use covert techniques to obtain private information about someone, they only do so if surveillance was necessary, proportionate, and compatible with human rights. Typically, this related to suspected criminal activity that was likely to result in a custodial sentence of six months or more.

Middlesbrough Council would not undertake any activity defined with RIPA without prior authorisation in the legally prescribed form.

The Senior Responsible Officer (SRO) had overall responsibility for overt and covert surveillance, including:

- creation, communication and review of the policy;

- appointing the CCTV Single Point of Contact;
- appointing the Coordinating Officer (Auditor) for covert surveillance;
- ensuring the availability of appropriate authorisers for covert surveillance;
- raising corporate awareness of the policy and proper surveillance practices;
- assessing corporate compliance with the policy;
- providing professional guidance on all matters relating to surveillance;
- engagement with the Surveillance Camera Commissioner and the IPCO; and overseeing the implementation of any post-inspection action plans recommended or approved by the IPCO.

Directors and Heads of Service had a general responsibility to ensure compliance with operations as detailed in the Surveillance Policy. This included taking reasonable steps to protect health and safety including any necessary risk assessments.

There were a number of key roles in the process of approving and monitoring applications for both overt and covert surveillance. Depending on whether the surveillance was 'overt' or 'covert' would depend on the level of authorisation. Details of the surveillance key roles were included in the presentation and those roles included the CCTV Single Point of Contact (SPoC), Co-ordinating Officer (Auditor), Authorising Officers, Designated Person.

The Investigatory Powers Commissioner's Office (IPCO), overseen by the Investigatory Powers Commissioner (Sir Brian Leveson), was created under the IPA to provide independent oversight and authorisation of the use of investigatory powers by intelligence agencies, police forces and other public authorities.

Following the latest inspection by the IPCO in 2020 it was agreed that Middlesbrough Council would continue to maintain an overarching Surveillance Policy which covered CCTV, RIPA, non-RIPA covert surveillance and the surveillance of employees.

An annual Surveillance Report and Policy were produced to report on the surveillance activity of the Council to ensure that it complied with its strategic priorities and statutory obligations, that they were lawful, and that due regard was given to human rights and to data protection.

The Council always considered methods to gather information that did not require covert surveillance to be undertaken, in order to minimise the use of surveillance powers and therefore activity remained low.

Statistics with regard to the use of RIPA by the Council since 2015 were provided to the Scrutiny Panel. An annual review of activity was undertaken and signed off by the Mayor at a Single Member Decision meeting.

The Chair thanked the Officer for attending and providing the annual update.

AGREED that the information provided was received and noted.

24/69

HOME TO SCHOOL TRANSPORT SCRUTINY REVIEW - UPDATE FROM TASK AND FINISH GROUP

The Chair informed the Panel that the Home to School Transport Task and Finish Group had met with the Head of the Integrated Transport Unit on 14 January 2025. A note of the information discussed at that meeting in relation to the current scrutiny investigation into home to school transport would be circulated to all Panel Members.

A Member of the Empty Properties Task and Finish Group also provided written information in relation to the scrutiny review into Empty Properties for incorporation into the draft Final Report.

24/70

OVERVIEW AND SCRUTINY BOARD UPDATE

The Chair provided a verbal update on items considered at the meeting of the Overview and Scrutiny Board held on 22 January 2025. Items discussed included an update from the Executive Member for Children's Services on his portfolio, Levick Court and the Scrutiny Chairs' Updates.

24/71 **DATE AND TIME OF NEXT MEETING**

The next meeting of the Place Scrutiny Panel was scheduled for Monday 3 March 2025 at 4.30 pm.

24/72 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

None.