

MIDDLESBROUGH COUNCIL

ENVIRONMENT SCRUTINY PANEL

Setting the Scrutiny Panel's Work Programme 2023/2024

12 SEPTEMBER 2023

PURPOSE OF THE REPORT

1. To invite the Environment Scrutiny Panel to consider its work programme for the 2023/24 Municipal Year.

REVIEW OF 2022-2023

2. At a meeting of the Overview and Scrutiny Board held on 18 April 2023, a new structure for scrutiny arrangements in Middlesbrough was agreed. Consequently, the Environment Scrutiny Panel is a new Panel for this year. Relevant topics (within the Environment remit) considered by the former Economic Development, Environment and Infrastructure Scrutiny Panel and the Culture and Communities Scrutiny Panel in 2022-2023 are listed below for Members' information:-

EDEI Scrutiny Panel:-

- Environmental enforcement/fly tipping
- Update on Teesside Crematorium Income – Annual Update (July 2022)
- Prevention of damage to grass verges
- Flood Risk Management – Annual Update (November 2023)
- Middlesbrough Council Motion No. 153 – Toxic Chemicals in the River Tees/Crustacean Working Group – regular agenda item
- School Transport
- Nutrient Neutrality (put on hold awaiting further Government Guidance)

Culture & Communities Scrutiny Panel

- Off Road Bikes – enforcement
- Tough enough? Enforcement in Middlesbrough and its impact on crime and anti-social behaviour (update on review from previous year)
- RIPA (Regulation of Investigatory Powers) (annual update)
- Prevent and Channel (annual update)
- Community Safety Partnership (annual update)

BACKGROUND

3. At the start of each Municipal Year, Scrutiny Panels discuss the topics that they would like to review during the coming year.

4. 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.
5. As part of the process for establishing the work programme, support officers gather information/views from a number of sources. Below is a list of topics which are anticipated to be of particular interest to the scrutiny panel. Members are advised that the list of possible topics is not exhaustive and that additional topics can be added and considered at the scrutiny panel meeting. Priorities from the Strategic Work Plan 2021-2024 are also listed below for information.

Suggestions

Suggestion	Details
Improving estates management	<p><i>Suggestion from a Councillor:-</i></p> <p>"MBC area care working collaboratively with housing providers to ensure better management of estates outside town centre".</p>
Development of a Middlesbrough Poverty Strategy	<p><i>Suggestion from the Deputy Mayor/Exec Member for Culture:-</i></p> <p>"As we are forming a strategy to tackle poverty across the town, I'd like scrutiny to have a direct involvement in shaping the policy. Would it be at all possible for scrutiny panels to investigate their issues with the aim to see how they impact levels of poverty across the town?"</p> <p>The Executive is developing a strategy to tackle poverty across the town and would like scrutiny to have a direct involvement in shaping the policy. The panel may wish to obtain further details on the draft policy and consider how issues within Environment might impact levels of poverty across the town?</p>
Off road bikes	<p><i>Suggestion from a Councillor</i></p> <p>"Community safety - what is being put in place to help residents combat rogue motor bikes on the estates in general".</p> <p><i>(This topic was investigated by the Culture & Communities Scrutiny Panel between Oct 2022 – Jan 2023. Final report to be considered by the Executive on 23 August 2023)</i></p>
Vehicle maintenance	<p><i>Suggestion from a Councillor</i></p> <p>"Vehicle maintenance costs internal & sub contractors".</p>
Domestic Pest Control	<p><i>Suggestion from a Councillor</i></p> <p>See Appendix 2 for full details.</p>
Collection of Waste from	<p><i>Suggestion from a Councillor</i></p>

Communcal Bins	See Appendix 2 for full details.
Flytipping	<i>Suggestion from a Councillor</i> See Appendix 2 for full details.
Review of Community Councils	<i>Suggestion from a Councillor</i> "As the Community Governance review last year decided to defer the review of Community Councils, perhaps this could be taken up by Scrutiny?"
Parking enforcement	<i>Suggestion from a Member of the Public</i> "I'm a bus driver and I'm constantly delayed by double parking on Linthorpe Road. Vans parking on hatched lines. There are cars that park constantly day after day on double yellow lines. No tickets are ever issued. No parking wardens are ever out and about. It's a nightmare".
Grass cutting	<i>Suggestion from member of the public</i> "I wish to suggest that the grass cutting service should be examined in detail. This activity has been the subject of significant public criticism last month, which in turn led to a letter being sent to Councillors setting out the reasons for the recent problems. I have had the opportunity to see this letter. If this was the extent of the difficulties I would not be submitting this proposal. However, the standard of grass cutting fell significantly in 2019 and has been poor ever since. I first raised the issue with the Council in 2019 and every year since and each year I have received the same justifications for the poor standard of work as set out in the latest letter mentioned above. The only additional justification was during the covid pandemic. ... I suggest that the following aspects of the service be included in any examination: 1. Whether the equipment used is appropriate and robust enough for the task. Breakdowns seem to be a common justification and I have a view (shared by many fellow residents) that Stockton on Tees Council seems to consistently achieve a higher standard of grass cutting than Middlesbrough. Is this anything to do with the fact that Stockton uses a different type of ride-on mower or some other reason? 2. Is the training of operatives adequate? 3. Is quality control adequate i.e. do line managers take steps to check the quality of work and also identify those area of grass

	<p>that are missed?</p> <p>4. Is there adequate co-ordination between the cuts by the large tractor and by the smaller ride-on mowers? All too often they are out of sync”.</p>
Grass cutting	<p><i>Suggestion from Trimdon Community Council</i></p> <p>“On behalf of the residents of Trimdon Ward Community Council could we please ask that a review of your grass cutting process and procedures are reviewed by the scrutiny committee.</p> <p>Residents feel the standard of grass cutting has fallen significantly over the past few years and wonder if your grass cutting equipment is adequate for the task. Breakdowns seem to be a common occurrence? Have staff had sufficient training? Is quality control adequate and also coordination re cutting by larger and smaller tractors / mowers?</p> <p>We hope grass cutting can be included in your future reviews?”</p>
Waste – Waste Management	<p><i>Suggestion from Director</i></p> <p>There is potential to choose from a range of issues from within “waste management”, to focus an investigation on, for example:-</p> <ul style="list-style-type: none"> • waste collection model; • new incinerator/waste facility contract; • increasing recycling rates; • new Government proposals for compulsory food waste collections by Councils;
<u>Green strategy</u>	<p><i>Suggestion from Director</i></p> <p>Implement the Green Strategy and examine how the Council can achieve its existing commitment to becoming carbon neutral by 2030. (Particular focus could be given to areas falling within the environment remit).</p> <p>What more can be done to ensure the Council achieves its net-zero targets?</p>

Topical Issues

Topic	Details
<u>Climate – Preparing for climate change (adaptation action)</u>	<p>On 14 June 2023, the LGA published its report “Accelerating Adaptation Action – Councils Preparing for Climate Change”.</p> <p>The report states “Councils are critical in preparing people and places to the impacts of the changing climate. As leaders in communities, they deliver hundreds of essential services to protect public health, manage roads, prepare for floods, and provide open space. They are planning authorities, housing authorities, fire authorities and more. Nationally we are not sufficiently prepared for the impacts of climate change, and central government must</p>

	<p>prioritise its work with local government to close this gap.</p> <p>Local Partnerships was commissioned by the Local Government Association (LGA) for this research piece into local authorities' preparedness for climate adaptation.</p> <p>Background - The UK Government has committed to reducing carbon emissions to net zero by 2050, and 70% of local authorities in the UK have declared a climate emergency.</p> <p>We must adapt to the challenges that arise from the significant climate impacts we are facing in the UK and take advantage of the opportunities it brings. In the UK we expect to see warmer, wetter winters; hotter, drier summers; more frequent and intense weather extremes.</p> <p>The Climate Change Committee published its Independent Assessment of UK Climate Risk (CCRA3) in June 2021 which provides advice to Government on priorities for the National Adaptation Programme (NAP). More than 60 risks and opportunities were identified in the CCRA3 all of which have a touchpoint with local authority service delivery and local community resilience, eight of which were identified as requiring the most urgent attention. <i>(Reference: LGA)</i></p>
<p><u>Community Safety – Anti-social Behaviour Action Plan</u></p>	<p>In March 2023 the Government published The Anti-Social Behaviour Action Plan, setting out an ambitious new approach to working with local agencies to tackle anti-social behaviour in communities across England and Wales, aimed at stamping out ASB by giving Police and Crime Commissioners, local authorities and other agencies the tools to tackle such behaviour. <i>(Reference: Gov.uk)</i></p>
<p><u>Environment – Tree cover/ woodland restoration</u></p>	<p>The LGiU reported that £1 billion is needed to save England's ancient forests according to the Woodland Trust. Only 9% of the country's native woods are in good condition, with one-third of all woodland species in decline. Deforestation, loss of hedgerows and pollution are the main drivers of decline. The Trust has recommended <u>increasing tree cover</u> in towns and cities to a minimum of 16% and to ensure that all new housing developments guarantee a minimum of 30% tree cover. <i>(Reference: LGiU; Daily Telegraph; Woodland Trust)</i></p>
<p><u>Waste – Excessive Packaging</u></p>	<p>The Government has decided to delay the implementation of the Extended Producer Responsibility (EPR) for another year. The LGA's response to this is that crucial momentum on cleaning up the environment will be lost which is disappointing for Councils. It will result in another year of dealing with excessive packaging impacting on our environment and on climate change. Further delays and uncertainties will also cause difficulties for Councils in managing their long-term waste contracts.</p> <p>Councillor Darren Rodwell, Environment Spokesperson for the LGA</p>

	<p>stated “It is crucial now that government, industry and councils all put the foot to the floor in planning full implementation from 2025, and that Government extend EPR to cover other material types beyond just packaging.”</p>
<p>Waste – Disposable Vapes</p>	<p>In June 2023, the Local Government Association, which represents councils in England and Wales, called for the Government to ban the sale and manufacture of single use vapes by 2024, on environmental and health grounds.</p> <p>The LGA says it is crucial that a ban comes into effect rapidly as, with the EU proposing a ban in 2026 and France rolling out a ban in Dec 2023, there is a risk that as markets close disposable vapes will flood into the UK.</p> <p>Disposable vapes are a hazard for waste and litter collection and cause fires in bin lorries. Single use vapes are designed as one unit so batteries cannot be separated from the plastic, making them almost impossible to recycle without going through special treatment. The lithium batteries inside the plastic can sharply increase in temperature if crushed and can become flammable.</p> <p>This comes at a cost to the council taxpayer through fire damage to equipment and the specialist treatment needed to deal with hazardous waste.</p> <p>With 1.3 million* disposable vapes thrown away every week, they have also become a regular and obvious item of litter on our streets.</p> <p>Councils are also concerned about the impact vaping is having on children and young people with a worrying trend towards more children and young people who have never smoked, starting vaping. Councils are especially concerned by the marketing of vapes with designs and flavours that could appeal to children, in particular those with fruity and bubble gum flavours, and colourful child-friendly packaging. Strict new measures to regulate the display and marketing of regular vaping products in the same way as tobacco are needed.</p> <p>Notes: The Government is already taking some action on single-use plastics with businesses no longer being allowed to supply, sell or offer certain single-use plastic items in England from 1 October 2023.</p> <p>*Research commissioned by Material Focus identified that 1.3 million single-use vapes are thrown away every week, per annum this is enough to cover 22 football pitches.</p> <p><i>(Source: LGA, Gov.uk)</i></p>

Updates

Flood Risk Management	<p>The Pitt Review 2007, undertaken as a result of major flooding in the UK, made a number of recommendations, including that local authorities' scrutiny committees should receive annual updates in relation to the actions taken locally and review of the work carried out to manage flood risk.</p>
Toxic Chemicals in the River Tees/Crustacean Working Group	<p>At a meeting of Council on 6 July 2022, Motion No. 153, it was determined that regular updates on this topic be provided to the relevant scrutiny panel.</p>
RIPA (Regulation of Investigatory Powers) (annual update)	<p>RIPA is the law governing the use of surveillance techniques by public authorities, including local authorities. RIPA requires that when public authorities need to use covert techniques to obtain private information about someone, they only do so if surveillance is necessary, proportionate, and compatible with human rights. Typically, this relates to suspected criminal activity that is likely to result in a custodial sentence of six months or more.</p>
Prevent and Channel (annual update)	<p>In 2011, the Prevent strand of the UK's long-term strategy for countering international terrorism, known as CONTEST was explicitly changed by the Government to deal with all forms of terrorism, and target not just violent extremism but also non-violent extremism. This change in strategic direction was enacted in the Counter-Terrorism and Security Act 2015. The Act, which became law in February 2015, places a duty on specified authorities to have <i>"Due regard to the need to prevent people from being drawn into terrorism"</i>. In response an Action Plan for Middlesbrough was developed to respond to the specific elements of the Prevent agenda.</p> <p>In 2018, the Counter-Terrorism Strategy was published and the previous Culture and Communities Scrutiny Panel received an update regarding PREVENT actions and annual updates thereafter.</p>
Community Safety Partnership (annual update)	<p>The powers of the Police and Justice Act 2006 relating to Crime and Disorder (Overview and Scrutiny) Regulations 2009 require the Middlesbrough's Crime and Disorder Reduction Partnership (CDRP) to present the partnerships intentions, and actions to Scrutiny on an annual basis. This requirement commenced in 2009 and the former Culture and Communities Scrutiny Panel received annual updates since that time.</p> <p>On 24 January 2023, the Executive approved an extension to the Community Safety Plan which would run in its current form until March 2024.</p>

Strategic Plan Workplan 2021-24

<p>Priority: Crime and Anti-Social Behaviour Supports the following aim(s): People, Place & Business Description: We will tackle crime and anti-social behaviour head on, working with our partners to ensure local people feel safer.</p>
<p>Priority: Climate Change Supports the following aim(s): People, Place & Business Description: We will ensure our town acts to tackle climate change, promoting sustainable lifestyles.</p>
<p>Priority: Physical Environment Supports the following aim(s): People & Place Description: We will work closely with local communities to protect our green spaces and make sure that our roads, streets and open spaces are well-designed, clean and safe.</p>
<p>Priority: Town Centre Supports the following aim(s): People, Place & Business Description: We will transform our town centre, improving accessibility, revitalising unused assets, developing iconic new spaces and building more town centre homes.</p>
<p>Priority: Quality of Service Supports the following aim(s): People, Place & Business Description: We will ensure that we place communities at the heart of what we do, continue to deliver value for money and enhance the reputation of Middlesbrough.</p>

6. It should be noted that the suggested topics outlined above are exactly that - suggestions. The content of the Scrutiny Panel's work programme is entirely a decision for the Panel to make. When considering the work programme, the Panel is advised to select topics that will add value to the Local Authority's work.
7. In addition to undertaking the agreed work programme, Scrutiny Panels have also previously responded on an ad-hoc basis to emerging issues - such as considering relevant new legislation, guidance or Government consultation documents. This approach occasionally results in further topics being identified for investigation or review throughout the year.
8. The Scrutiny Panel is also advised that, under the terms of the Local Government Act 2000, local authorities have a responsibility of community leadership and a power to secure the effective promotion of community well-being. Therefore, in addition to the Scrutiny Panel's generally recognised powers (of holding the Executive to account, reviewing service provision, developing policy, considering budget plans and performance and financial monitoring), Panels also have the power to consider **any** matters which are not the responsibility of the Council but which affect the local authority **or** the inhabitants of its area. For example, nationally, local authorities have undertaken scrutiny work on issues such as post office closures, rural bus services, policing matters and flood defence schemes.

Scrutiny work plan prioritisation aid

9. Members are asked to use the aid attached at **Appendix 1** to prioritise issues where scrutiny can make an impact, add value or contribute to policy development in order to determine which topics are suitable for inclusion in its final work programme.

PURPOSE OF THE MEETING

10. The Scrutiny Panel is asked to consider and determine suitable scrutiny topics for inclusion in its work programme for the 2022/23 Municipal Year. Further information can be requested from relevant officers if required, for example with regard to timely scheduling.
11. When considering its work programme, the Scrutiny Panel 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; and
 - Do not relate to matters dealt with by another Council Committee, unless the issue deals with procedure.
12. It is suggested that the Scrutiny Panel has a mixture of working styles in its programme. This can include detailed and in-depth reviews, shorter topics, or one-off investigations.
13. Once the Scrutiny Panel has identified the areas of priority, support staff will draw those topics into a programme for approval by the Overview and Scrutiny Board.

RECOMMENDATION

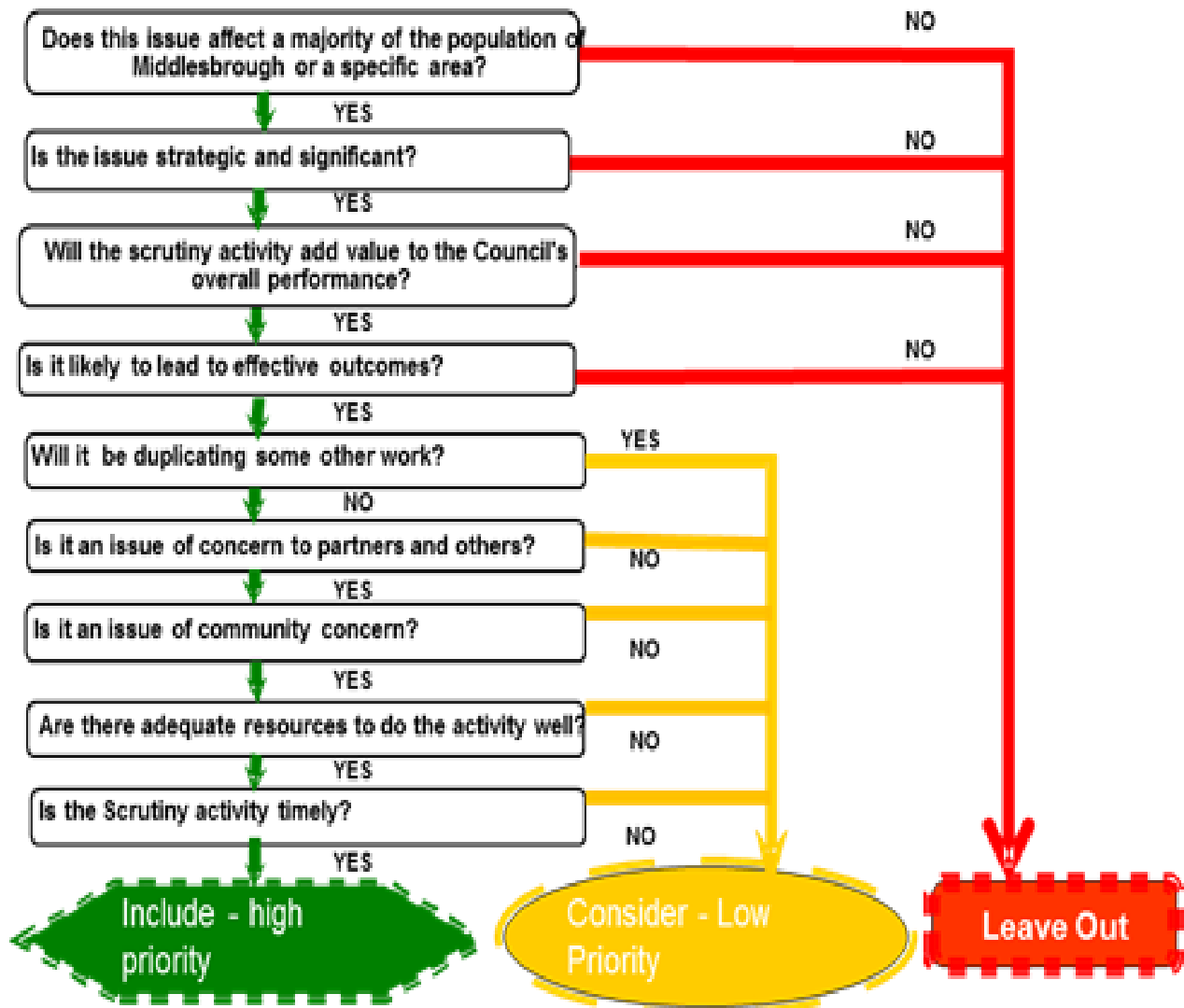
14. That, by utilising the Scrutiny Work Plan Prioritisation Aid (see Appendix 1), the Scrutiny Panel identifies two topics it would like to include in its work programme for 2023/24, for submission to Overview and Scrutiny Board for approval.

BACKGROUND PAPERS

15. Throughout the report, reference is made to documents published by Middlesbrough Council, Local Government Association (LGA), Local Government Information Unit (LGIU), Gov.uk, Woodland Trust.

Contact Officer:

Joanne Dixon
Democratic Services Officer
Democratic Services
Legal & Governance Services
Tel: 01642 729713
Email: joanne_dixon@middlesbrough.gov.uk



Scrutiny work programme 2023/24 suggestions from a Councillor

Domestic pest control

The council has the power to provide a free or subsidised pest control service to people's homes. However, this service has been discontinued.

I believe that the need for domestic pest control services disproportionately affects the town centre street houses where the population density is much higher than in the suburbs, and where there are communal bins, frequently without lids or with ill-fitting or open lids, in the alleyways.

From what I have seen, the council is not managing to keep the alleys clear of rats.

It is difficult, using these refuse collection arrangements, for individual residents to avoid the risk of pests getting into their homes from the communal bins, and the communal bins are often disproportionately near to particular houses.

These particular streets are also more likely to contain empty houses, which may also be infested by vermin.

A further problem is that while, say, £200 paid to a private pest controller would be an unwelcome expense to someone living in a suburban location where there is a lot less infestation, it may be entirely unaffordable to an individual on a low income, living in one of those houses, either as an owner-occupier or a tenant, and where re-infestation from conditions that the occupier can not alter, is a constant risk.

Rodents carry many nasty diseases which they can spread to humans. These include Leptospirosis or Weil's disease, Salmonella, Listeria, Toxoplasma gondii and Hantavirus. They can also inflict a great amount of structural damage.

Pigeons pass on pathogens usually through their droppings. These droppings dry out, crumble, and become dust. This dust can be inhaled through the nose or mouth or ingested with food.

Rat poison can be a danger to the pets and possibly the children of residents.

Collection of waste using communal bins

Collection of domestic waste from the terraced street houses using large hoppers in back alleys, often with missing, ill-fitting or open lids, seems to make for smelly, dirty alleyways with litter blowing around, and infestation of the alleyways, back yards and, in some cases, houses, by rats and other vermin.

This method of collection, where a few of these large, open hoppers can be within, say, three or four metres of the back door and kitchen window of a house, open to rats and with pigeons and seagulls pecking at the contents, would, I suspect, be totally unacceptable to people living in suburban Middlesbrough. The hoppers will, I suspect, have been brought in to replace individual bins as a cost-saving measure to enable much larger compressor-type bin lorries to be used, even though in the suburban areas the individual bins are still used

and, with houses further apart, the refuse collectors probably have to walk further to get each bin.

It seems inequitable to expect residents to accept this method of refuse collection, especially as the residents of these less-advantaged areas are also having to pay, from their own money, to deal with resulting infestation.

The existence of these large, open, smelly hoppers also spoils efforts to make garden areas in the alleys and spoils what could otherwise be a facility for children to play outside, safely, where there is no traffic.

In addition, the separate arrangements for recycling to be placed outside the front door in a clear plastic bag does not appear to result in much recycling being left out. Is this because a lot of people do not have anywhere to store two weeks' recycling, leaving it clean and dry, to be carried through the house for disposal? If so, what they might have put in a blue-lid bin may be being placed in the general waste hoppers.

Flytipping

Flytipping seems to be a particular problem in the areas with terraced houses opening onto the street. The cost of removing the waste presumably falls to the council. I understand that some privately operated scrap businesses have access to the alleyways as well as the streets to take away what they can use, but that there is sometimes suspicion that they may be leaving behind waste brought in from elsewhere. Discovering who is to blame for this flytipping is problematic and the culprits could be local residents, landlords, shops backing onto alleyways and others, including property renovation businesses with access to the streets and alleys.

Other local authorities must experience this problem. How do they deal with it? Would covert surveillance (within what is permitted by RIPA) assist in bringing well-publicised prosecutions?