

## ENVIRONMENT SCRUTINY PANEL

<p><b>Date:</b> Thursday 12 April 2018 <b>Time:</b> 1:30 p.m. <b>Venue:</b> Spencer Room, Town Hall, Middlesbrough</p>
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### AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the Previous Meeting of the Environment Scrutiny Panel held on 15 March 2018.

Copy of Minutes

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4. Update on Previous Scrutiny Review - Commercialisation.

The Director of Environment and Commercial Services will be in attendance to provide a verbal update in relation to the Panel's previous review of Commercialisation.

Recommendation:

1. That the Panel considers the Commercialisation Recommendations Action Plan (attached) and notes the verbal update provided.

Action Plan

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5. Update on Previous Scrutiny Review - No Ball Games Signs

The Director of Environment and Commercial Services will be in attendance to provide a verbal update in relation to the Panel's previous review of No Ball Games Signs.

Recommendation:

1. That the Panel considers the No Ball Games Signs Recommendations Action Plan (attached) and notes the verbal update provided.

Action Plan

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6. Overview and Scrutiny Board Update

The Chair will provide a verbal update in relation to matters considered by the Overview and Scrutiny Board on 10 April 2018

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

Bryn Roberts  
Monitoring Officer

Town Hall  
Middlesbrough  
4 April 2018

MEMBERSHIP

Councillors T Higgins (Chair), S Biswas, D J Branson, D P Coupe, D Davison, J Goodchild, B A Hubbard, L Lewis and J McGee

**Assistance in accessing information**

**Should you have any queries on accessing the Agenda and associated information please contact , ,**

## ENVIRONMENT SCRUTINY PANEL

### A meeting of the Environment Scrutiny Panel was held on 15 March 2018

**PRESENT:** Councillor Higgins (Chair), Councillor Goodchild (Vice Chair); Councillors Branson, Lewis and McGloin (substitute for Councillor Davison).

**OFFICERS:** J Dixon, G Field and A Mace.

**APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Biswas, Coupe, Davison, Hubbard and McGee.

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

There were no Declarations of Interest made by Members at this point in the meeting.

### \*\* MINUTES

The Minutes of the Environment Scrutiny Panel meeting held on 15 February 2018 were submitted and approved as a correct record.

### DRAFT FINAL REPORT – FLY-TIPPING AND ENFORCEMENT

The Panel was asked to consider its Draft Final Report on Fly-tipping and Enforcement. The report had been drafted based on the information gathered over the course of several meetings held on 14 September, 10 October, 9 November and 14 December 2017 and 18 January 2018.

During the course of the Panel's review, information was provided by Officers from the Council's Environment and Commercial Services (ECS), Redcar and Cleveland Council, Stockton Council, Hartlepool Council and Teesside University. A copy of the Draft Final Report had been forwarded to all who had contributed to the review for comment.

The following comments, in relation to factual accuracy, were received from ECS:-

- Paragraph 29. Delete "fly-tipping" and add "dog fouling, graffiti and fly-posting".
- Paragraph 32. Replace "three" with "two" in relation to prosecutions for fly-tipping.
- Paragraph 41. Replace "three" with "two" in relation to the £10 charge for electrical items.

In addition, information was received from Hartlepool Council following circulation of the draft final report. The Democratic Services Officer circulated the information and proposed that this be added to the Final Report at paragraph 84.

The importance of obtaining the Panel's approval in respect of the report was highlighted as all Final Reports presented to the Overview and Scrutiny Board were owned by the Panel.

The Panel was asked to consider the conclusions and recommendations for inclusion within the Final Report, based on the evidence presented. A list of possible conclusions and recommendations, prepared in conjunction with the Chair and Vice Chair of the Panel, was circulated for consideration.

The Panel confirmed that it was happy with the proposed conclusions and did not wish to make any additions or amendments.

The Panel considered the draft recommendations and the following comments were made:-

- Recommendation 1). Add “once it becomes available” after “... utilise available data ...” and also add that warning signs be used in hot spot areas.
- That a recommendation be added in relation to the LEQSE BVP199 survey and that it should include a category for fly-tipping.
- Recommendation 7). Re-word slightly to “encourage” both parties to work together.
- That an additional recommendation be included in relation to the development of an education strategy which would include working with schools.

**AGREED** as follows:-

1. That the following conclusions be approved for inclusion in the Panel's Final Report:-

1. The Panel heard that there are currently issues with the retrieval of specific data from the new CRM system, however, felt assured that work was being undertaken to address this. In the meantime, ECS continues to monitor the total number of fly-tips reported to the Council, including those made via the Members 'One Stop' system. ECS has also begun to manually record the number of fly-tips removed, by area, until such time that the CRM software is able to provide this data.
2. The Panel feels that the monitoring and analysis of data relating to the levels of fly-tipping across Middlesbrough will assist in identifying 'hot-spot' areas and patterns of behaviour to ensure that effective enforcement can be undertaken where it is most needed and that targeted campaigns to raise awareness, whilst engaging the community, can be developed in order to significantly reduce fly-tipping.
3. The Panel feels that the Council needs to take a more pro-active approach to fly-tipping enforcement, however, it recognises that there have been significant changes to the staffing structure within ECS and feels that the creation of the Environmental Enforcement Team is a positive step. The introduction of new legislation regarding the use of FPNs in respect of fly-tipping is relatively new but needs to be used more effectively.
4. Based on the evidence received, the Panel feels that awareness surrounding waste disposal is insufficient, unclear and inconsistent.
5. There are a proportion of residents and commercial businesses that are unaware of their respective responsibilities with regard to waste disposal and further work needs to be undertaken to address this.
6. The Panel recognises that ECS provides an excellent, value for money, Bulky Item Collection Service but feels that it could be better promoted with a clearer definition of the items it can and cannot collect and distinguishing between the separate charges for electrical and non-electrical items. The Panel believes that the department is best-placed to determine the pricing structure for the service but feels that it currently reflects the Government's view that additional waste collection services offered by Councils should be affordable and that access to Household Waste Recycling Centres (HWRC) should be free for the disposal of household waste.
7. Based on evidence from other authorities, it is clear that closer working relationships between Councils and their respective Social Housing partners could be beneficial to waste collection and enforcement issues.

8. The Panel heard that ECS identified issues with fly-tipping in areas with high proportions of rented accommodation, particularly properties with alleyways. Subsequently, the Panel was provided with information by Teesside University in relation to the current arrangements the University has with regard to waste disposal. The Panel is satisfied that the University has robust waste disposal procedures in place relating to all properties for which it has responsibility and that such procedures are in accordance with relevant legislation.
  9. The Panel learned that the Student Union is a separate entity to the University and recognises a number of accredited student landlords and letting agencies. However, neither the Student Union nor the University has a formal relationship with any private landlords that are not part of the University Managed Housing Scheme.
2. That the following recommendations be approved for inclusion in the Final Report:-
1. That the Council should utilise data (once it becomes available) on fly-tipping in order to identify 'hot-spot' areas, and patterns of behaviour, to assist in the development of an effective, targeted enforcement programme that could include the use of signage, in 'hot-spot' areas, warning against fly-tipping, with the overall aim of significantly reducing fly-tipping in Middlesbrough.
  2. That Environment and Commercial Services (ECS) amends the LEQSE BVP199 survey to include the category of 'fly-tipping', to further assist in identifying 'hot-spot' areas to support targeted enforcement initiatives.
  3. The Panel feels that the Council should take a firmer stance with those positively identified as fly-tippers and believes that the Council should impose the maximum £400 FPN for offenders, but that prosecution should still be pursued in more serious cases. This will bring Middlesbrough Council in-line with its neighbours in Redcar and Cleveland, Stockton and Hartlepool. The Panel considers that ECS is best placed to formulate the details as to whether an option for a discounted payment should be offered for early payment of the FPN and, if so, what that amount should be set at. This should be considered by the relevant Committee for approval or otherwise.
  4. Due to a notable and concerning proportion of people not recognising their responsibilities with regard to private waste collection companies, the Panel recommends that a town-wide awareness campaign is launched to educate residents about their responsibilities regarding the disposal of waste via a third party, in order to help them avoid a fine, or prosecution.
  5. In a similar vein, the Panel recognises that a proportion of commercial businesses are not aware of what they need to do to fully comply with their Duty of Care responsibilities and, therefore, recommends that a town-wide campaign is launched to help businesses ensure they are compliant to help them avoid a fine or prosecution.
  6. The Panel feels that the ECS Bulky Item Collection Service should be better publicised through a range of media, including the Council's website, Love Middlesbrough magazine, signage and leaflets in public access areas such as libraries and community hubs. In addition, the Council's webpage should be made clearer by making a distinction between the separate charges for electrical and non-electrical items, and examples of the types of items that can and cannot be collected under the respective headings.
  7. To reduce delays, and potentially costs, to the Council and residents, ECS and its Social Housing partner, Thirteen Housing Group, are strongly encouraged to work together to establish more efficient ways of both collecting and enforcing fly-tipping on Thirteen land as this will benefit all residents of Middlesbrough.

8. In an effort to reduce seasonal fly-tipping in areas with large student populations, ECS should establish closer links with Teesside University and its Student Union in order to raise awareness amongst students and partner landlords of effective and proper waste disposal and their responsibilities.
9. The Panel also recommends that ECS work with the Council's Selective Licensing Team to establish links with private landlords to raise awareness of effective and proper waste disposal processes and their responsibilities.
10. That ECS develops an 'Education and Awareness Strategy' setting out its proposals for tackling fly-tipping, and other environmental issues. The Strategy should include information on plans for collaborative working with other Council departments and key partners, including schools, together with a programme of enforcement and education.
3. That the Democratic Services Officer, in conjunction with the Chair, makes the final additions/amendments to the Final Report prior to submission to the Overview and Scrutiny Board.
4. That the Final Report be submitted to the Overview and Scrutiny Board, on 10 April 2018, for consideration.

#### **OVERVIEW AND SCRUTINY BOARD UPDATE**

The Chair provided a verbal update to the Panel in relation to the business conducted at the Overview and Scrutiny Board meeting held on 13 March 2018, namely:-

- Two Call-Ins regarding: Centre Square East Office Development - Council Investment and Accommodation.

It was highlighted that the decision in respect of both Call-Ins was not to refer back to the Executive.

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

#### **DATE OF NEXT MEETING**

The next meeting of the Environment Scrutiny Panel was scheduled to take place on Thursday, 12 April 2018 at 1.30pm.

Appendix 2:

**ENVIRONMENT SCRUTINY PANEL  
COMMERCIALISATION  
– ACTION PLAN**

**DATE: 18 APRIL 2017**

SCRUTINY RECOMMENDATION	PROPOSED ACTION	POST TITLE	BUDGET COST	TIMESCALE
<p>1. That consideration be given by EPCS to developing the Catering Service by way of utilising the new function kitchen being installed as part of the Town Hall refurbishment scheme, with a view to providing function catering for Council events and external functions, such as weddings. This provision should be promoted at the point enquiries/bookings are made, for example, function catering to be offered by the registry office as part of a package when wedding bookings are made.</p>	<p>The service will explore the potential of offering such a service. However, this will need to be considered alongside other possible propositions that will be in place as part of the town hall development.</p> <p>This may have significant budget considerations as a contract for the commercial operation of the Town Hall is in place.</p> <p>A business plan is being developed.</p>	<p>Head of Asset Management/Director of Culture and Communities.</p>	<p>TBD</p>	<p>September 2017</p>
<p>2. That EPCS puts into place a business plan, as soon as possible, addressing commerciality and branding, and that this be submitted to the Environment Scrutiny Panel for consideration within the next six months.</p>	<p>A business Strategy and associated business plan based upon the new commercial direction of EPCS will be produced within the period outlined by the scrutiny panel. This will include a developed detailed information on commerciality and branding.</p>	<p>Director Environment, Property and Commercial Services</p>	<p>10K (existing budgets)</p>	<p>June 2017</p>
<p>3. That consideration be given by EPCS to</p>	<p>As part of the review of EPCs that is</p>	<p>Director</p>	<p>N/A</p>	<p>July 2017</p>

establishing an identified person responsible for managing contracts across the services.	now being undertaken following the appointment of the Director of the Service	Environment, Property and Commercial Services		
4. The Panel recognises that obtaining new and larger contracts is limited by the absence of a Contracts Manager. The Panel recommends that EPCS explores the capacity to create a contracts management team to enable it to bid for new work and to grow the business. It is expected the new function would work closely and in co-operation with the enthusiastic Operations Managers within the Service.	This capacity will be developed within the Service as part of the Review of EPCS.	Director Environment, Property and Commercial Services	N/A	July 2017
5. That EPCS examines areas where individual members of staff are employed on more than one contract with the authority to look at how costs can be reduced in the administration of salaries.	We will review this as part of the development of the council's new HR Payroll system to examine what efficiencies can be made.	Head of Asset Management	N/A	June 2017
6. With regard to Fleet Services, in the absence of a fully costed business plan, the Panel feels unable to make solid recommendations, however, in the short term, recommends the following:-  a) That consideration be given to introducing a shift system, outside of	a) A cost benefit analysis will be undertaken to examine if the movement to such a system will be advantageous  b) The service is presently an apprentice into the service. It is	Head of Environment Services	20K (existing budgets)	August 2017

<p>current operating hours, which would optimise the use of fleet vehicles and minimise vehicle down-time.</p> <p>b) The recruitment of apprentices to assist in filling an identified skills gap and that this is progressed as soon as possible.</p>	<p>anticipated that in future years additional apprentices will be required.</p>			
<p>7. That EPCS, in conjunction with Marketing and Communications, explores the benefits of branding and marketing in order to build on Middlesbrough's strong reputation and to promote the services via a range of media, such as the Council's website, intranet, Love Middlesbrough magazine, appropriate trade magazines, and advertising in public buildings such as libraries, community hubs and on Council vehicles, where appropriate.</p>	<p>A full marketing and communications plan will be produced that will include ensuring that publicity is on various media platforms and relevant print publications. Information will also be placed in public buildings where applicable.</p>	<p>Director Environment, Property and Commercial Services and Head of Marketing and Communications</p>	<p>20K</p>	<p>August 2017</p>
<p>8. That customer feedback and monitoring of services (including customer satisfaction surveys) be clearly defined and consistent across the services to help shape service development/improvement, branding and marketing.</p>	<p>As part of the roll out of Middlesbrough Council's customer strategy EPCS will ensure that proactive customer relationship systems will be developed. Customer surveys will form part of their strategy.</p>	<p>Head of Asset Management</p>	<p>N/A</p>	<p>August 2017</p>
<p>9. That work on the Council-wide 'Commercialisation Strategy' is progressed as quickly as possible and that the Environment Scrutiny Panel</p>		<p>Director Environment, Property and Commercial Services</p>	<p>N/A</p>	<p>July 2017</p>

receive an update with regard to the progress made within the next six months.				
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**ENVIRONMENT SCRUTINY PANEL  
NO BALL GAMES  
– ACTION PLAN**

**APPENDIX II**

**DATE: 5 SEPTEMBER 2017**

<b>SCRUTINY RECOMMENDATION</b>	<b>PROPOSED ACTION</b>	<b>POST TITLE</b>	<b>BUDGET COST</b>	<b>TIMESCALE</b>
<p>1. That the Council ceases to process any new requests for 'No Ball Games' signs, based on the following reasons:-</p> <p>a) The Panel considers the current process for dealing with No Ball Games signs to be confusing and resource-intensive.</p> <p>b) The current process is outdated and the introduction of legislation since 1997, the last time that the No Ball Games policy was reviewed, has enabled the Council to establish robust mechanisms for addressing complaints relating to all aspects of anti-social behaviour, including ball games nuisance, which meets the needs of the local community. The Panel feels confident that any such complaints will be dealt with appropriately.</p>	<p>Cease to process any new requests for "No Ball Game Signs". This action has been implemented as a direct result of the findings of the Scrutiny Investigation.</p>	<p>Environment Services Manager</p>	<p>0</p>	<p>Done</p>

<p>2. As the Panel is keen to avoid any unnecessary reports of anti-social behaviour arising from ball games, the decision to cease processing any new requests for No Ball Games signs should be monitored by Environment Services.</p>	<p>Monitor decision to cease processing new requests for 12 months. This action has been implemented as a direct result of the findings of the Scrutiny Investigation.</p>	<p>Environment Services Manager</p>	<p>0</p>	<p>Monitor for 12 months.</p>
<p>3. The Panel recognises that, in some locations, the signs may act as a deterrent and, as such, considers that existing signs should remain in-situ and that any requests for signs to be removed should be dealt with on an area by area basis with the involvement of the Neighbourhood Safety Officer and the local community. The Panel feels it is important for Ward Councillors and Community Councils to convey this message at a local level.</p>	<p>Draft a briefing note to all Ward Councillor and Community Council Chairs outlining the recommendations of the Scrutiny Panel. This action has been implemented as a direct result of the findings of the Scrutiny Investigation.</p>	<p>Environment Services Manager</p>	<p>0</p>	<p>3 Weeks</p>
<p>4. Government Guidance on tackling childhood obesity includes encouraging increased physical activity outside of school to be supported by parents and carers. The Panel acknowledges this and welcomes the opportunity for children to be able to exercise and play safely within their own communities near to their own homes providing that they are respectful of other people and their property. The Panel considers that the Community Safety Team's leaflet 'Guidance on Football Nuisance' is a useful tool to assist in resolving disputes</p>	<p>Ensure that the Community Safety Team's leaflet 'Guidance on Football Nuisance' is posted on the Council's Website, Intranet and posted to all Ward Councillors. This action has been implemented as a direct result of the findings of the Scrutiny Investigation.</p>	<p>Environment Services Manager</p>	<p>0</p>	<p>3 Weeks</p>

<p>regarding ball games nuisance and offers advice on how all parties can compromise and live together peacefully. Therefore, the Panel recommends that the leaflet should be made more widely available, including being placed prominently on the Council's website and distributed to all Community Councils and Ward Councillors.</p>				
<p>5. The Panel has concerns regarding the 31 requests for No Ball Games signs that are currently outstanding since September 2015. The Panel, therefore, requests that the Service Area revisits each outstanding request to check whether the details have been passed to the Community Safety Team for assessment and whether the residents/applicants making the request have been contacted and made fully aware of the process. The Panel also requests that the Service Area provides a report to the Environment Scrutiny Panel, at the earliest opportunity, including the following information:-</p> <p>a) How the 31 outstanding requests have been dealt with.</p> <p>b) What stage of the process each request has reached.</p>	<p>Environment Services revisits the outstanding 31 "No Ball Game" sign requests and ensure that the details have been passed to the Community Safety Team for assessment and whether the residents/applicants making the request have been contacted and made fully aware of the process. Environment Services also provides a report to the Environment Scrutiny Panel detailing the following information:-</p> <p>a) How the 31 outstanding requests have been dealt with.</p> <p>b) What stage of the process each request has reached.</p> <p>c) The reasons why the request has not been progressed. This action has been implemented as a direct result of the findings of the Scrutiny Investigation</p>	<p>Environment Services Manager</p>	<p>0</p>	<p>8 weeks</p>

c) The reasons why the request has not been progressed.				
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