

DURHAM COUNTY COUNCIL

At a Meeting of the **Environment and Sustainable Communities Overview and Scrutiny Committee** held in the **Council Chamber, County Hall, Durham** on **Wednesday 23 November 2022** at **9.30 am**.

Present:

Councillor B Coult (Chair)

Members of the Committee:

Councillors J Elmer (Vice-Chair), E Adam, P Atkinson, J Blakey (substitute for Councillor A Reed), L Fenwick, G Hutchinson, R Manchester, C Martin, L Mavin (substitute for Councillor L Brown), D Nicholls, J Purvis, J Quinn, T Stubbs, D Sutton-Lloyd and S Townsend

Co-opted Members:

Mr P Walton

Also Present:

Councillor J Rowlandson and Councillor M Wilkes

1 Apologies

Apologies were received from Councillors L Brown, J Charlton, C Kay and I MacLean.

Apologies were also received from members of the Safer and Stronger Communities Overview and Scrutiny Committee, Councillor C Hampson and Councillor A Reed.

2 Substitute Members

Councillor L Mavin and Councillor J Blakey substituted for Councillors L Brown and A Reed respectively.

3 Minutes

The minutes of the meeting held on 6 October 2022 were agreed as a correct record and signed by the Chair.

4 Declarations of Interest

Councillors D Nicholls and Councillor J Purvis declared interests in respect of agenda item 8 (Allotment Improvement Update), Councillor Nicholls as a named worker on an allotment and Councillor Purvis, through his role in the management of a town council's Allotment Association.

5 Items from Co-opted Members and other Interested Parties

There were no items from Co-opted Members and other interested parties.

6 Fly Tipping - Update

The Committee considered a report of the Corporate Director of Neighbourhoods and Climate Change which provided an annual update on Durham County Council's work to address flytipping issues (for copy of report and presentation see file of minutes).

Ian Hout, Neighbourhood Protection Manager, introduced the report and delivered a presentation summarising Durham's approach to tackling flytipping and the importance of its contribution towards the ambitions of the Council Plan. The Committee noted that during the Covid-19 pandemic there was an increase in all types of waste generated, however, following the pandemic, the number of flytipping incidents had reduced. The Neighbourhood Protection Manager highlighted that since 2013-14, with the exception of the pandemic period, Durham's rate of flytipping incidents per thousand of the population had reduced, whilst the national rate had increased. A table comparing Durham's performance with regional neighbours showed that over the past two years, only Stockton had a lower flytipping rate, per thousand of the population, than Durham.

The Committee noted that flytipping hotspots were generally within larger conurbations and household waste accounted for approximately two-thirds of the total amount of waste flytipped in County Durham, which reflected the national picture.

The Neighbourhood Protection Manager spoke of education and awareness campaigns including 'your waste, your responsibility', to spread the message that the public are responsible for ensuring their waste is disposed of correctly. In addition, public engagement is encouraged through initiatives such as the 'Big Spring Clean' and Neighbourhood Wardens use social media to share information with the public on activity within communities.

Information was provided on the partnership approach with housing associations, town and parish councils, the Environment Agency, County Durham Fire and Rescue Service and the police.

The Neighbourhood Protection Manager gave an account of a day in the life of a flytipping officer, who, in a typical day, will work with partners to resolve issues and investigate lines of enquiry. The Committee also received details of CCTV camera deployment and how it was assisting to secure prosecutions. Funding from DEFRA's Flytipping Intervention grant had been used to target flytipping in urban areas and to develop an e-learning course, which followed the successful e-learning course for those caught littering.

The Neighbourhood Protection Manager concluded the presentation by outlining areas of focus for the future including social media campaigns, increased targeted surveillance and the development of the e-learning package.

Councillor Wilkes, Cabinet Portfolio Holder for Neighbourhoods and Climate Change commented that the work undertaken over the past eighteen months had led to significant positive change. He gave the view that this success was due to the re-organisation of the management structure, changes to the operation of the Neighbourhood Warden service and to the excellent work of officers. Councillor Wilkes was pleased to see the council was publicising positive stories of prosecutions which he believed was making the public rethink their attitude towards the disposal of waste. He highlighted that the number of fines issued in the past financial year amounted to more than those issued in the previous five years combined and he added that he would like to see flytipping fines increased to provide a greater disincentive. Councillor Wilkes also spoke of how having a dedicated team to deal with yards and gardens enabled issues at ground level to be kept in check and helped to prevent wider flytipping problems. He commended the Neighbourhood Protection team whose work was evidenced in the visible improvements he had witnessed. Councillor Wilkes concluded by thanking the Environment and Sustainable Communities Overview and Scrutiny Committee for their critical challenge to drive improvements.

Councillor Martin noted the recent increase in income from prosecutions and the number of fixed penalty notices issued and asked how this had been achieved. The Neighbourhood Protection Manager commented that it had been observed recently that courts seemed to be more inclined to impose heavier fines in respect of flytipping and there was a greater emphasis on enforcement. Improvements in technology were assisting and the recruitment of additional Neighbourhood Wardens helped the service to tackle the wider impact and target flytipping hotspots.

Councillor Adam noted the charts in the report showed steady progress since 2013 and expressed the view that the restructure had undoubtedly been a contributing factor. He expressed concern that two-thirds of the total waste flytipped was generated by households and he questioned whether it was, in fact, household waste or whether it was generated by rogue-traders. The Neighbourhood Protection Manager pointed out that flytipping accounts for a small proportion of the overall volume of waste.

He explained that in response to the increase in fly-tipping incidents during the Covid-19 pandemic, there had been additional investment in funding for cameras in urban areas. Steps had been taken with regard to raising householders' awareness that they have a duty of care to take reasonable steps to ensure that their waste is being disposed of correctly. In response to a question from Councillor Adam regarding the placement of CCTV cameras, the Neighbourhood Protection Manager responded that cameras are placed to gain a long-view of the high street, to avoid any intrusion of residents' privacy and that more detailed information on specific locations in particular wards could be provided.

Councillor Wilkes emphasised the importance of tackling issues at an early stage and the vital role residents play in providing information to enable the service to stay ahead and deal with issues as and when they occur.

In response to a question from Councillor Atkinson as to enforcement action in the Ferryhill area, the Neighbourhood Protection Manager offered to speak to Councillor Atkinson to provide information in respect of his ward.

In response to a number of questions from Councillor Nicholls, the Neighbourhood Protection Manager provided the following information. With regard to incidents of flytipping in rural areas which are difficult to locate, the service was aware of the issue and regular customer service meetings were held and improvements were being made to the use of the 'what3words' app.

Councillor Nicholls had observed a culture of leaving large items outside houses for long periods of time whilst awaiting collection and he asked if the service could provide a notice for residents to use, which would indicate that an item was awaiting a bulky waste collection. The Neighbourhood Protection Manager highlighted that the public are instructed to place bulky waste outside the night before it is due for collection and he added that Neighbourhood Wardens could help to identify bulky waste. The Neighbourhood Protection Manager informed the Committee that the educational stickers were currently being updated and would be circulated to Members for distribution. Councillor Nicholls commented that it would be helpful if ward Members could be updated prior to a press release relating to enforcement action. The Neighbourhood Protection Manager noted the comment however he pointed out that there may be time constraints with regard to publication of press releases.

Councillor Stubbs referred to the table showing the deployment of CCTV cameras and the number of incidents caught and he remarked on the increase during 2021-22 and asked for further information. The Neighbourhood Protection Manger clarified that, the reference to the 'number of incidents caught' referred to the number of incidents when a person had been caught flytipping which may then lead to the issue of a fixed penalty notice or prosecution, depending upon the circumstances. He added that cameras were in situ for longer time periods in locations which are known to be flytipping hotspots.

Members asked for information on the engagement work with housing associations and the Neighbourhood Protection Manager gave an example of the sharing of information when a yard or garden job is received. The housing association will often have the benefit of an existing relationship with the tenant and the information provided by the service may also benefit the association by alerting it to possible problems occurring within the property.

Resolved:

That the report be noted.

7 Air Quality Management - Update

The Committee considered a joint report of the Corporate Director of Neighbourhoods and Climate Change and the Corporate Director of Regeneration, Economy and Growth which provided an update on air quality across the county, primarily focusing on Durham City, where an Air Quality Management Area had been declared for nitrogen dioxide. The report also provided information on traffic measures to support air quality management (for copy of report and presentation see file of minutes).

David Gribben, Environmental Health Officer introduced the presentation and provided information on the monitoring results of local air quality management across County Durham for January to September 2022. The Committee noted the highest measured levels of nitrogen dioxide across the county were at hotspot locations previously identified at Gilesgate, Church Street and Hallgarth Street at New Elvet and Sutton Street and Colpitts Terrace, Crossgate. Properties at Menceforth Cottages, Chester le Street were found to be at risk of exceeding the air quality objective. The Air Quality Action Status Report 2022 reported the monitoring results obtained in 2021 and DEFRA accepted that it represented the local air quality across the county.

Members noted the Durham City Air Quality Action Plan (AQAP) was adopted in June 2016 and in line with the guidance that AQAPs should be reviewed every 5 years, a project to review the plan commenced in 2021.

Information was provided on progress on the review of the plan which is being undertaken in three stages, with the first stage, modelling and source identification, being complete. The modelling showed the predicted levels of nitrogen dioxide will not comply with the annual mean air quality objective ($40 \mu\text{g}/\text{m}^3$) by 2024 at 'hotspot' areas across the city, Alexandra Crescent and Sutton Street, Crossgate, Gilesgate, and Church Street and Hallgarth Street, New Elvet. The most significant sources of nitrogen dioxide emissions were found to be light goods vehicles, buses and diesel cars.

The Environmental Health Officer informed the Committee that the first stage of the review demonstrated that there would be no compliance with the annual mean objective by 2024 unless additional actions were implemented to target the sources contributing to air pollution. As a result, during the consultation stage, two additional options were proposed, the first being the micro consolidation of freight deliveries to and from the city to target the impact of light goods vehicles. The second being the introduction of emission based, variable parking charges for Council owned car parks within Durham city, which would take into consideration the polluting potential of vehicles. A key factor to success is to ensure actions are integrated with other strategies, policies and plans such as the Sustainable Transport Plan and the Climate Emergency Response Plan, both of which incorporate actions to benefit air quality. The Committee noted that further consultation with stakeholders was required prior to the options appraisal and completion of the plan.

The Environmental Health Officer gave information on the Government proposal for the introduction of a Population Exposure Reduction Target for fine particulates (PM_{2.5} – particles that have a diameter less than 2.5 microns). The review of the Air Quality Action Plan showed there are three receptors at which the predicted levels of PM_{2.5} will exceed the proposed air quality limit of 10 µg/m³ in 2024 at Gilesgate, close to the roundabout. The sources contributing towards PM_{2.5} are the same as for nitrogen dioxide, with the addition of petrol cars.

The Head of Transport, Mark Jackson, provided details of measures put forward by traffic management to support the work in relation to air quality management. Measures include additional Park & Ride services, parking tariffs, the implementation of Sunday parking charges, optimisation of traffic signals to reduce queuing and implementation of walking and cycling initiatives. The Committee also heard of the transport and infrastructure traffic considerations such as extending the Park and Ride at Sniperley, walking and cycling improvements at Newton Hall and Framwellgate Peth and a city centre connectivity project. The Head of Transport also described traffic considerations relating to Integrated Passenger Transport including work with commercial bus operators to identify barriers to transferring to zero emission buses and incentives to increase bus usage.

Councillor Wilkes pointed out the danger that air pollution is a silent killer and to put the threat in context he highlighted that in the UK, approximately 1,600 people are killed in road accidents each year, while the number of people dying from the effects of air pollution each year is approximately 36,000.

Councillor Elmer expressed concern that the Government's measure for the designation of an Air Quality Management zone was four times the World Health Organisation's recommended safe level. He recognised the activity to tackle the issues and stated his view that a step-change is required to transition from the use of private vehicles to public and active transport.

Councillor Elmer pointed out that measures which have been implemented to improve air quality, such as junction improvements, road widening to enable traffic flow and signal improvements also make for a more comfortable environment for motorists and therefore may lead to induced traffic. He concluded by referring to European cities which are increasing provision for public transport and reducing road-space for cars.

The Head of Transport commented on interventions to encourage active transport and on a positive note he added that younger people are becoming more environmentally conscious. He gave the view that future funding should be targeted at measures which aim to reallocate road space for active and public transport. He commented that during the pandemic many members of the public moved from public transport to use private transport and he spoke of the difficulties in encouraging people to reverse their action and return to public transport. He suggested that success may be achieved gradually, by encouraging people to make small changes to their travel choices.

Councillor Adam recognised improvements had been made, however the impact of the pandemic had undoubtedly changed people's behaviour and he commented that it was difficult to see how those who had changed their method of transport during the pandemic could be encouraged to revert to using public transport, particularly with the lack of funding for public transport and an unreliable service. He expressed the view that urgent action was required and whilst he was pleased to see the suggestions for improvements, he was concerned that the actions would take time to come to fruition.

Councillor Wilkes referred to the amount of good work being done and the need to tackle the wider plans for the county. He added that he hoped that the future would see less road building and more people choosing to use public and active transport. The Head of Transport gave examples of countywide work such as the additional EV charging provision and referred to the expectation that future funding will focus on wider interventions across the national highway network. The Committee commented that work must ensure that measures to tackle air pollution do not result in moving a problem from one area to another.

Clarifying a question from Councillor Quinn, the Head of Transport confirmed that there is currently no Park & Ride provision on Sundays. Councillor Quinn expressed his view that the hospitality sector in Durham thrives on Sundays and he suggested the council should consider a Park & Ride provision on Sundays.

Councillor Nicholls said the lack of reliability of public transport and the age of the fleet was a concern to him and it was difficult to see how the take-up of public transport would improve unless these issues were tackled. He added that it seemed that newer vehicles were being earmarked for city centre routes whilst older vehicles served the rural parts of the county; areas which would particularly benefit from the reliability that newer vehicles would provide.

He observed the large amount of home to school transport journeys and he asked whether there had been any work done to reduce the number of journeys.

The Head of Transport explained that buses have a lifespan and therefore the fleet is managed to ensure that older vehicles are upgraded such as improvements to heating and the installation of wifi and air conditioning. In acknowledgement that older vehicles contribute to air quality issues, work was being done to ensure the fleet is as clean as possible. Responding to comments regarding reliability, the Head of Transport highlighted that bus companies were doing their best to disseminate information on cancelled services to the public as soon as possible. He added that many services had been cancelled due to a lack of drivers, however Durham was doing well to address the issue, that the recruitment of drivers had improved and cancellations were reducing. In addition, the bus service improvement plan was looking into the possibility of a cap on the maximum fare for young people.

Mr Walton, Co-opted Member asked various technical questions and due to time constraints, he agreed to email the questions for a response to be prepared by the Environmental Protection Manager. The questions and responses would be circulated to all Members for information.

Councillor Blakey, Chair of the General Licensing and Registration Sub-Committee informed Members that, at a meeting of the General Licensing and Registration Committee held on 17 November, the Committee agreed to recommend to full Council, the adoption of a new Hackney Carriage and Private Hire Licensing Policy which includes improved engine emission standards.

Resolved:

That the report be noted.

Councillor D Nicholls left the meeting.

8 Allotment Improvement Programme - Update

The Committee received a report of the Corporate Director of Neighbourhoods and Climate Change which provided an update on Durham County Council's allotment policy (for copy of report and presentation see file of minutes).

Delivering the presentation, the Head of Environment, Oliver Sherratt, presented a progress update since the report of the Environment and Sustainable Communities Overview and Scrutiny Committee on the findings of its review of the service, which was presented to Cabinet in 2020. The Committee noted a summary of the recommendations which were outlined in full, in Appendix 2 to the report.

The Head of Environment reminded Members of comments in response to the Cabinet report which had been received from allotment holders and Allotment Associations which included that some controls may be too prescriptive and concerns that large animals would not be permitted. Members noted progress on the uncontentious recommendations and the Head of Environment provided information on suggested safeguards.

Concluding the presentation, the Head of Environment outlined the next steps for a further report to Cabinet to implement the recommendations, engaging with Allotment Associations, tenants and town and parish councils.

In response to a request from Councillor Townsend for clarification, the Head of Environment advised views are being sought from town and parish councils with respect to allotments being transferred from the council to town and parish councils.

Councillor Adam congratulated the good work of the team and the progress from 2020 to date. He referred to the allotment site visits undertaken during the review activity and he raised concerns that a number of these were legal allotments, however, businesses were being run from the sites, for allotment rents and he requested an update on the issue. The Head of Environment responded that a considerable amount of work had been done with regard to identifying the sites and as a recommendation of the Committee was a rent review, that there may be scope to address non-allotment sites, in the future, through that review. The Head of Environment confirmed that the council cannot dispose of registered allotments without approval from the Secretary of State.

Councillor Adam said the report acknowledged the demand for allotments and therefore the sites should be used for their primary purpose ie for the growth of vegetables and fruit and as the council is looking at ways of increasing income, these sites should either revert to being used as allotments or they should be considered to be fully rateable sites.

Councillor Sutton-Lloyd welcomed the report and expressed the view that that allotments are important to the wider county plans to improve the environment and health and wellbeing and he spoke of local initiatives to encourage allotments and gardening within the community.

Councillor Elmer acknowledged the balance of the report, in particular the contentious issues for example the grazing of animals. He added he would like to see a strategy in place for the establishment of new allotment sites, in compliance with the Allotment Act and re-establishment of sites which are currently not used as allotments and the identification of new plots of land for the purpose of allotments. He recognised the conflicting demands on land and the balance to be achieved. The Head of Environment pointed out that, overall, there is an increase in demand for allotments, however, there are areas where there is a surplus of allotments.

The service is endeavouring to provide smaller plots from within the provision wherever possible and returning unused parts of sites to allotment sites. As new sites are the responsibility of town and parish councils in the first instance, the proposal is to support towns and parish councils to increase their capacity. The Committee noted that if a group of residents make a request to the council to provide an allotment, the council has a duty to provide it.

Resolved:

The Sub-Committee:

- (a) Reconfirmed the position on the original ESCOSC policy recommendations, that would in due course result in new tenancy agreement.
- (b) Noted the safeguards which would:
 - (i) Exclude those sites, which although managed by the allotment service are currently used for other purposes.
 - (ii) Provide flexibility for Associations in consultation with the Council to come to bespoke arrangements for their site.
 - (iii) Provide a transition period for tenants, to be detailed in future reports to Cabinet.
- (c) Noted that allotments held by higher tier authorities should transfer to lower tier authorities set up after 2009 and consistent with this with engagement with Parishes where this applies.
- (d) Noted the recent investments in allotments and infrastructure capital grant scheme for which budgetary provision already exists.