

DURHAM COUNTY COUNCIL

Environment and Sustainable Communities Overview and Scrutiny Committee

At a meeting of the **Environment and Sustainable Communities Overview and Scrutiny Committee** held in **Committee Room 2, County Hall, Durham** on **Friday 19 January 2024** at **9.30 am**

Present:

Councillor B Coult in the Chair

Members of the Committee:

Councillors E Adam, P Atkinson, L Brown, R Crute, P Heaviside (Substitute for Councillor A Reed), D Nicholls, A Simpson, T Stubbs and D Sutton-Lloyd.

Also in attendance:

Councillors C Hampson and G Hutchinson

The Chair welcomed Members of the Safer and Stronger Communities Overview and Scrutiny Committee who were invited to attend the meeting in respect of agenda item 6.

1 Apologies

Apologies for absence were received from Councillors J Elmer, C Kay, C Lines, D Oliver, J Purvis, A Reed and S Townsend and Co-opted member, Mr P Walton.

2 Substitute Members

Councillor P Heaviside was in attendance for Councillor A Reed.

3 Minutes

The minutes of the meeting held on 24 November 2023 and the Special meeting held on 20 December 2023 were confirmed as correct records and signed by the Chair.

4 Declarations of Interest

There were no declarations of interest.

5 Any items from Co-opted Members and other interested parties

There were no items reported 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 overview of Durham County Council's performance in relation to fly tipping (for copy of report and presentation see file of minutes).

Ian Hault, Neighbourhood Protection Manager, delivered a presentation on Durham County Council's approach to fly tipping which included a regional and national comparison of performance. The Committee noted that the 25 year Environment Plan sets out the government's comprehensive approach to the protection of the environment. At a local level, Durham County Council's work to address fly tipping contributes towards the overall themes, priorities and objectives set out in the Council Plan.

The Neighbourhood Protection Manager referred to the papers circulated in advance of the meeting which included slides showing performance data. He informed the Committee that national fly tipping figures had been received from Defra within recent days and he circulated revised slides at the meeting, which provided up-to-date figures on Durham's performance, compared regionally and nationally. The graphs showed the number of incidents of fly tipping nationally had reduced by approximately 1% and fly tipping continues to fall within County Durham. Durham has the second best rate of fly tipping incidents per 1,000 population in the region and Durham also compares favourably nationally. The rolling year totals showed that whilst fly tipping peaked during the Covid-19 pandemic, it remained relatively stable during 2022-23.

The Committee noted data systems are used to track where fly tipping is collected and at monthly meetings of the Clean and Green team, Neighbourhood Wardens and the police, the information is analysed to identify hotspots. Two thirds of the county's waste tipped is associated with households and this is slightly higher than the national figure of 60%. The Council is therefore proactively educating residents on their duty of care in relation to waste disposal. Durham's approach includes engagement work with partners including Area Action Partnerships, Town and Parish Councils and the Environment Agency.

The Neighbourhood Protection Manager illustrated some of the education and awareness campaigns and he highlighted that both corporate social media and the Neighbourhood Warden area-based social media platforms are used to good effect, which is increasing the reach of the messages. The work includes engaging with businesses, through the Business Duty of Care campaign. In addition, operations are conducted with the police on waste/scrap carriers to check that required licences are in place.

The Committee was provided with information on enforcement activity, the number of stop check operations and the number of fixed penalty notices for waste carrier offences. Information was also provided on a number of recent prosecutions.

The Neighbourhood Protection Manager commented that new benchmarking measures from the Office of Local Government (Oflog) are proposed for local authorities and it is expected that these will be reported on, in future update reports.

The powers available to local authorities to tackle environmental crime were outlined, including the Environmental Protection Act 1990 and the Prevention of Damage by Pests Act 1949. The Neighbourhood Protection Manager stated that Neighbourhood Wardens dealt with almost 4,000 reports of waste in gardens and yards during 2022/23. A large proportion of the work carried out provides assistance to residents to clear waste and the main powers invoked are Community Protection Warnings and Community Protection Notices. The Committee noted the volume of work had led to the development of a dedicated team to assist with the removal of waste from yards and gardens, which alleviates the pressure on the Clean and Green team's wider remit of work. The indications are that the work of the new team is leading to a reduction in the number of Neighbourhood Warden revisits.

The Committee noted future national changes include a deposit return scheme which is set to be introduced in 2025 which will incentivise people to recycle drinks cans and bottles. The government also plans to introduce mandatory digital waste tracking in 2025 which will track waste. Also due to be introduced in 2025 are the government's waste carrier, broker and dealer regulations which will increase the background checks required to move or trade waste and make it easier for regulators to take action against non-compliant operators. It is also hoped that a review of sentencing guidelines in the future will introduce tougher guidelines to deter fly tipping.

The Neighbourhood Protection Manager outlined that actions for the future in terms of fly tipping will include strengthening enforcement and he highlighted the Council had recently introduced increased fixed penalty notices of up to £1000 for fly tipping and up to £500 for litter. There will also be a continued focus on education and awareness and an e-learning package has been developed, focusing on waste. Members were requested to assist with the 'Your Waste Your Responsibility' campaign by sharing social media posts.

The Chair thanked the officer for the presentation and invited questions and comments.

Councillor Stubbs commended the work being undertaken and he asked the Neighbourhood Protection Manager whether the Council takes a different approach to the fly tipping of hazardous waste as, whilst the incidents are likely to be relatively low, the removal costs may be substantial.

The Neighbourhood Protection Manager responded that fixed penalty notices are applied for small scale fly-tipping. Fly tipping is a serious criminal offence and court proceedings may be issued which can lead to an unlimited fine. Councillor Stubbs then asked whether the Council bears the cost for the removal of hazardous waste on council land and the Neighbourhood Protection Manager confirmed that the Council is responsible for clearing fly tipping on council land, including hazardous waste and the costs of investigation and clearance of waste may be recovered through the court process.

Councillor Sutton-Lloyd referred to the pyramid showing Durham's approach to fly tipping and he expressed his view that he would like to see action and education together, having a higher ranking on the pyramid in order to tackle the core number of people responsible for repeated fly tipping incidents. Councillor Sutton-Lloyd also commented that he would like to see more targeted action in collaboration with local councillors, to investigate issues which are problematic in the area, for example litter. The Neighbourhood Protection Manager informed the Committee that 40 CCTV cameras are situated throughout the county and monthly meetings are held with Clean and Green and Neighbourhood Wardens to consider the information gathered which enables hotspots to be targeted.

Councillor Sutton-Lloyd remarked on the 1,278 fly tipping incidents in Bishop Auckland and the Neighbourhood Protection Manager confirmed that Bishop Auckland is a hotspot area and resources are being deployed in the area, to carry out investigations.

Councillor Brown referred to the problems caused by side waste, particularly in Durham City with its transient student population and she asked whether side waste is classified as fly tipping. The Neighbourhood Protection Manager clarified that when side waste is placed alongside bins on refuse collection days, it is not classified as side waste. The Neighbourhood Protection Manager referred to work carried out by the Council alongside the University, to raise awareness and assist students to dispose of waste responsibly.

Councillor Atkinson was supportive of the increased social media, however, he commented that he would like to have more meetings with local Neighbourhood Wardens. He raised concern at the lack of prosecutions in the Ferryhill area and he asked what action was being taken in relation to fly tipping on private land and the traveller encampment at Ferryhill. The Neighbourhood Protection Manager confirmed that a number of fixed penalty notices had been issued, however there was more work to be done to deter people from fly-tipping. He added that the Service was aware of the encampment and joint work was ongoing. Belinda Snow, Neighbourhood Warden Coordinator, agreed to contact Councillor Atkinson, after the meeting, to arrange a meeting with Neighbourhood Wardens.

In response to a question from Councillor Adam who referred to the types of waste and asked whether the figures related to fly tipping on council land only, the Neighbourhood Protection Manager confirmed the figures related to fly tipping on council land. He clarified that land owners are responsible for clearing fly tipping on private land and the Council may provide assistance to land owners.

Councillor Adam observed that the majority of fly tipping originates from household waste and he asked whether analysis had been done as to how this was occurring. The Neighbourhood Protection Manager highlighted that spot checks are carried out on waste carriers and education and awareness campaigns are undertaken, to remind householders of their responsibilities to question waste carriers as to where the waste is being removed and also to encourage residents to assist with investigations.

Councillor Adam asked whether there had been any work undertaken on the relationship between the costs of removal of waste and fly tipping incidents. The Neighbourhood Protection Manager highlighted that household waste permits are now available online which has improved their uptake and he added that he was not aware of any direct evidence to show that charges are associated with increased fly tipping. He stated that fly tipping occurred when councils did not charge for bulky waste collections. The Neighbourhood Protection Manager agreed to provide cost information and data in relation to the number of household waste permits issued and bulky waste collections, for circulation to the Committee.

Councillor Crute was pleased to see the establishment of a dedicated waste removal team and he commented on the frustration from residents who report fly tipping on private land, for which the local authority has no responsibility. Councillor Crute asked whether there is a correlation between the number of private sector rented properties within an area and levels of fly tipping. Councillor Crute also commented that the Selective Licensing Scheme provides the Council with an opportunity to ensure landlords secure and clear their properties. The Neighbourhood Protection Manager confirmed that conversations are taking place with the Selective Licensing team initially looking at those properties where repeated incidents occur. Councillor Crute agreed with Councillor Atkinson's comments on the value of collaborating with Neighbourhood Wardens and conducting regular walkabouts to take control of issues at an early stage and to utilise the links that Neighbourhood Wardens have with partner agencies.

Councillor Nicholls was pleased to see the successful implementation of the free What3Words app to locate fly-tipping. He referred to the New Brancepeth ward and an issue with regard to an area of waste ground which is repeatedly fly tipped and suffers from fire-setting and he questioned why the issue was recurring and what could be done to prevent it. Councillor Nicholls also asked for clarification on the correct process for reporting such incidents ie whether the incidents should be reported to the fire service or as fly tipping.

The Neighbourhood Protection Manager clarified that when incidents of this nature are reported to the fire service, the fire service will then report the incident as a waste-related secondary fire.

Councillor Nicholls also spoke of problems of fly tipping on an area of private derelict land which is awaiting planning approval. In addition, he pointed out that building materials left on private land for long periods of time can lead to anti-social behaviour and he asked whether this was classed as fly tipping and who would be responsible for dealing with it. The Neighbourhood Protection Manager agreed to discuss the specific issues raised by Councillor Nicholls, on conclusion of the meeting.

The Chair thanked staff for all their hard work which was reflected in the detailed report. Members were encouraged to promote the Neighbourhood Wardens social media page and the Neighbourhood Protection Manager agreed to supply the links, for circulation to Members. The Chair concluded the discussion by expressing her agreement on the comments made with regard to the importance of collaborative working between Members and the Neighbourhood Warden team, to address fly tipping.

Resolved:

That Members received and noted the content of the report and presentation and commented accordingly.

7 Quarter Two 2023/24 Performance Management Report

The Committee considered a report of the Chief Executive Officer which detailed performance during the second quarter of 2023/24, April to June 2023 (for copy of report see file of minutes).

In presenting the report, Tom Gorman, Corporate Policy and Performance Manager, drew Members' attention to key information including the following. The Bishop Auckland Food Festival was rated positively by 98% of visitors and the event generated £425,000 income for the economy against a £60,000 investment from the Council. During the quarter, visits to cultural venues were at or above target. Active borrower numbers for libraries remain below pre-Covid levels, however both active and digital borrowers performed above target during the quarter. Average yields in respect of cinemas and theatres were below target and new initiatives are being trialled in cinemas to boost attendances. An Audience Development Manager is now in post to ensure more focused programming in the future.

County Durham's carbon emissions show a 54% reduction on the baseline figure and work is ongoing to install larger charging hubs and additional charging points, particularly in rural areas.

The Council's carbon emissions during 2022/23 reduced by 5% on last year and the report provided details of the work undertaken to reduce carbon emissions within the Council's operations.

A 97% diversion rate of waste from landfill was reported and the amount of household waste collected had reduced. Contamination rate data showed a decrease and the recycling rate was reported as approximately 41%. Members noted that the Environment Act 2021 will introduce standardisation for recycling, a food waste collection service and a national garden waste collection service.

Park and Ride journeys remain below pre-Covid levels and although the proportion of adults who walk and cycle for travel purposes has increased, levels are lower than the regional and national averages. Bus patronage remains below pre-Covid levels and the Council continues to work in partnership with bus operators to implement the North East Bus Service Improvement Plan. Leisure Centre attendances and memberships remain below target.

During the quarter, the number of properties licensed under the Selective Licensing scheme increased to 37%. The Committee noted that new cleanliness survey methodology was introduced in April and results for the quarter show a high level of cleanliness.

In relation to highways maintenance, performance in respect of maintenance for safety defects likely to pose the greatest risk of harm remains above target.

The Chair thanked the Corporate Policy and Performance Manager for the report and informed the Committee that a waste update will be brought to the Committee as part of the work programme, which will include information on the future changes following the introduction of the Environment Act 2021. Comments and questions were invited.

Councillor Atkinson commented that he receives a significant amount of contact from residents, raising concerns about irresponsible dog owners who fail to pick up dog waste. Whilst he encourages residents to report the issues to Neighbourhood Wardens for investigation, he finds that many residents choose not to report their concerns. He asked whether it was possible to launch a campaign to encourage people to report dog fouling. The Neighbourhood Protection Manager clarified that some residents report dog fouling simply to request that it is cleaned up and those matters are dealt with by the Street Cleansing team. In order to conduct an investigation, officers require as much information as possible, however, details are often scant. The Neighbourhood Protection Manager asked that when Members are contacted by residents who report dog-fouling incidents for investigation, they gather as much information as possible, in order to assist the service in tracing the offender.

Councillor Nicholls agreed with Councillor Atkinson's comment with regard to the contact from residents in relation to dog fouling and he recognised the difficulties officers face with many incidents and little information available to carry out investigations.

Councillor Nicholls spoke of an enquiry he had received from a resident who had asked whether it was permissible to pay for a park and ride ticket, to use the facility to park their car and then walk or ride a bike for the remainder of their journey, as opposed to taking the bus. The Corporate Policy and Performance Manager responded that under the current policy, the facility was only for those using the park and ride bus for their onward journey. He agreed to contact the service to ascertain if there were any plans to change the policy in the future.

Councillor Nicholls pointed out that information relating to satisfaction with bus operators dated back to 2019 and he understood from residents that bus services remained unsatisfactory and he questioned whether bus operators were using the additional funding at their disposal, to improve services.

The Corporate Policy and Performance Manager replied that he would make enquiries as to whether more recent information is available on satisfaction with regard to bus operators within the county.

Councillor Nicholls observed the report lacked data on regional and national averages for example in terms of dog fouling and he was concerned that it had not been possible to report the number of anti-social behaviour incidents due to an IT system failure. The Corporate Policy and Performance Manager clarified that where comparative data was missing, that data was not available and he added that new Oflog measures may lead to additional data being provided in the future. With regard to the anti-social behaviour data, a glitch in the system had led to incorrect information being returned. It was expected that the information will be available for the quarter three report.

Councillor Sutton-Lloyd referred to performance in relation to highways and raised concern at the increasing number of potholes, adding that he understood that extra funding had been allocated to address the issues and he asked for an update on the work. The Corporate Policy and Performance Manager replied that he would contact the service for more detail to be provided, for circulation to the Committee.

Councillor Stubbs spoke of the Bishop Auckland Food Festival which saw a £60,000 investment by the Council and he asked how much of the £425,000 income generated would have entered the local economy and whether the Council had covered its costs. The Corporate Policy and Performance Manager confirmed that the £425,000 was income into the local economy and he would contact the service to confirm the amount of income for the Council.

Councillor Stubbs highlighted the graphs showing average occupancy rates across cinemas and theatres compared with average yields and he questioned whether the assets were providing value for money. The Corporate Policy and Performance Manager replied that whilst the performance in terms of theatres is much improved, performance in terms of yield for cinemas and theatres remains below target. In relation to cinemas, a higher sales target had been introduced during the quarter due to a number of blockbuster films being released. The performance for theatres had improved during the first and second quarters of the year which may have coincided with the appointment of the Audience Development Manager. He confirmed that he would check with the Service Grouping as to when the Audience Development Officer had taken up post and provide a response to Members.

Resolved:

The Environment and Sustainable Communities Overview and Scrutiny Committee noted the overall position and direction of travel in relation to quarter two performance, and the actions being taken to address areas of challenge.

8 Quarter Two Forecast of Revenue and Capital Outturn 2023/24

The Committee considered a joint report of the Corporate Director of Resources and the Corporate Director of Neighbourhoods and Climate Change on the forecast revenue and capital outturn for the second quarter of 2023/24 (for copy, see file of minutes).

Philip Curran, Finance Manager, provided details of the forecast outturn budget for the service areas, highlighting major variances in comparison with the budget, based on the position to 30 September 2023.

Councillor Adam referred to the comment made earlier in the meeting by Councillor Stubbs on the cost of removing hazardous waste which is fly-tipped and he highlighted that appendix 4 noted £34k unbudgeted expenditure on fly tipping / asbestos removal. Councillor Adam also drew attention to the £235k overspend on vehicle daywork repairs, hires and lease extensions. The Finance Manager replied that the majority of the spend was associated with hire due to the long lead-in times for the purchase of new vehicles, since the Covid-19 pandemic. As the current vehicles are being used for longer periods, this was leading to increased repair costs. Councillor Adam questioned whether the delays were linked to the purchase of electric vehicles and the Finance Manager informed the Committee that the Council is purchasing an increasing number of smaller electric vehicles, however, at present, larger electric vehicles, such as bin wagons, remain expensive and the demand for electric vehicles continues to increase.

Referring to the figures in appendix 4, Councillor Adam asked for further information on the variance of £750k on street lighting countywide.

The Finance Manager replied that the figure represented underachievement on the surplus due to reduced level of income as several highway maintenance schemes involving regeneration had been delayed and were still pending. Councillor Adam asked for confirmation that the schemes will still be delivered. The Finance Manager confirmed that the schemes will be delivered in future years however there may be an issue with capacity to do this work within the Service which may result in the work being sub-contracted.

Councillor Nicholls also referred to appendix 4 and raised concern at the underspends on staffing vacancies and unfilled posts. He emphasised that levels of service must be maintained and he asked what action could be taken to address the issues. The Finance Manager clarified that some of the underspends referred to were planned savings and issues relating to recruitment and retention of staff were being addressed, with work ongoing with HR to improve recruitment campaigns. Exit interviews are carried out when staff leave, which can help to identify any underlying issues.

Resolved:

That the content of the report be noted.

9 Such other business

Members were reminded that all Overview and Scrutiny members were invited to an informal information session on the Pest Control Service, to be held on the 19 February at 1.30pm via Teams.

The next meeting of the Environment and Sustainable Communities Overview and Scrutiny Committee will be held on Friday 23 February 2024 at 9.30 am in Committee Room 2.