

DURHAM COUNTY COUNCIL

At a Meeting of **Environment and Sustainable Communities Overview and Scrutiny Committee** held in Council Chamber, County Hall, Durham on **Wednesday 24 November 2021 at 9.30 am**

Present:

Councillor B Coult (Chair)

Members of the Committee:

Councillors J Elmer, E Adam, P Atkinson, L Brown, L Fenwick, G Hutchinson, R Manchester, I McLean, R Potts, J Purvis, J Quinn, S Townsend and D Sutton-Lloyd (substitute for T Stubbs)

Co-opted Members:

Mrs P Holding

Also Present:

Councillor C Hampson

Prior to the commencement of the meeting, members and officers stood for a minute's silence as a mark of respect for Councillor Brian Avery.

1 Apologies

Apologies for absence were received from Councillors J Charlton, C Martin, D Nicholls, T Stubbs and Mr T Bolton.

2 Substitute Members

Councillor D Sutton-Lloyd was substitute for Councillor T Stubbs.

3 Minutes

The minutes of the meeting held on 8 October 2021 were agreed as a correct record and signed by the Chair.

4 Declarations of Interest

There were no declarations of interest.

5 Any items from Co-opted Members or interested parties

There were no items from Co-opted Members or Interested Parties.

6 Fly Tipping in County Durham

The Committee received a report of the Corporate Director of Neighbourhoods and Climate Change and supporting presentation that provided information relating to the work of Durham County Council to address fly tipping issues (for copy of report and slides, see file of minutes).

Ian Hault, Neighbourhood Protection Manager gave a presentation which highlighted the following areas:

- The Durham Approach and Regional Comparison;
- Types of Waste 2020/21;
- Waste Perspective;
- Services Response;
- Education and Awareness;
- Enforcement Activities;
- Future Plans.

The Neighbourhood Protection Manager advised that DCC used a multi-agency approach to tackle fly tipping and had done so since 2014 with the introduction of Operation Stop It. Since that time DCC had a reduction in fly tipping up to June 2020 when figures rose following the closure of HWRC during the pandemic. However more recently with lifting of restrictions fly tipping was once again reducing and were now back to pre-covid levels.

Members were advised of the most prevalent items fly tipped were of household waste and this accounted for two thirds of fly tipping and this figure was also reflected nationally. In some areas in the county there were issues with fly tipping in back yards and the service worked with both tenants and private landlords, this is often linked to empty properties.

However, while fly tipping was an issue it was important to keep it in perspective that fly tipping represents the lowest tonnage of waste collected in County Durham.

The Neighbourhood Protection Manger advised that education and awareness campaigns were back up and running and currently 'Your Waste Your Responsibility' was being promoted. He informed members that the service was working with Crimestoppers in hot spot areas where people may wish to remain anonymous when giving information about fly tipping. Members of the public could also use social media such as the DCC Wardens Facebook pages for their respective areas (pages include North, South, and East).

Enforcement actions were outlined, and it was highlighted that the service continues to cease more vehicles used in fly tipping and in some cases request permission from the courts to hold on to ceased vehicles. Fixed Penalty Notices (FPNs) were also issued with the penalty being £400 but this amount was discounted to £180 if paid within ten days; 65 FPNs had been issued in respect of fly tipping offences. In relation to littering members were advised of an e-learning course that was offered in certain cases that was at a cost less than the FPN.

Members were advised of the number of CCTV cameras and while the cameras were not a great expense to purchase it was officer time in maintaining CCTV that was a greater cost to the authority.

Members expressed their appreciation to the Neighbourhood Wardens and the Clean and Green teams for the excellent service they provide.

Councillor Townsend noted that abandoned and contaminated recycling bins often end up fly tipped and commented on efforts she had made in relations to an abandoned bin that had been reported over a year ago. She referred to bulky waste and felt that cost and availability was a major factor and queried if anything could be done to make collections more accessible or if the service could be free altogether or at certain times. She also asked about enforcement and educating the public to check for waste carriers licences. The Neighbourhood Protection Manager asked for details of the abandoned bin that had been reported to be forwarded to him which would be followed up. He advised that the 'Your Waste Your Responsibility' campaign was aimed to help people understand their responsibility when they hand over waste. Messages were being issues via social media and the public were being encouraged to ask for receipts or make sure they have details on who they give their waste to. It was noted that regular stop and check exercises take place and companies registered to carry waste were available on the Environment Agency website.

The Head of Environment acknowledged waiting times for bulky waste collections was a concern and advised that extra crews had been added to mitigate the issue. There was extra pressure on the bulky waste service during lockdown when household waste sites were closed or had long queues, however, that issue had been resolved and waiting times were more reasonable but continued to be monitored. In relation to the charges, he explained that following Local Government Reorganisation, a charge was introduced across the County as some former districts charged and some did not and noted that following reorganisation, fly tipping incidents reduced which suggested the link was not strong.

Councillor J Quinn agreed with Councillor Townsend in relation to the abandoned bins and asked if plans were in place to ensure Neighbourhood Wardens continue to carry out duties if further lockdowns were announced. He referred to rubbish tipped in yards which attracted others to also tip and created an accumulation of

rubbish and asked if the 6 week turnaround time to clear yards could be reduced. The Neighbourhood Protection Manager advised that during the pandemic, decisions were made for the right reasons and different actions would be taken if there were further lockdowns. He referred to yards that had waste in and advised that the team engage with tenants and landlords in the first instance, however there were a range of legislative powers they could use such as Section 79 notices. Efforts were being made to reduce timescales as yards were causing significant problems and extra resources were required to do re-visits, therefore aimed to resolve issues as quickly as possible.

Councillor Adam referred to the household waste data and queried if the data shown was from individual households or if the waste was from rogue traders. He referred to the types of waste and suggested that making bulky waste collection free would have an impact on reducing fly tipping on roads and streets and added that a cost analysis associated with fly tipping removal would be useful for Members. The Neighbourhood Protection Manager confirmed that removal costs for fly tipping were around £500,000 every year. Permits were available to residents whose vehicles were not of domestic size. Legitimate people who carry waste pay for permits, rogue traders would still fly tip if they were offered permits and that rogue traders would continue to undercut legitimate businesses despite the options available to them to dispose of their waste in the correct way, and that fly tipping was more of an issue for former districts when collection was free of charge. In relation to the data, he added that it would be difficult to differentiate if waste was from individual households or rogue traders which reinforces the need to make sure residents understand how to dispose of their waste in a legitimate way. It was noted that there would be future developments around electronic transfer notes which would help ensure waste is more traceable.

Councillor P Atkinson asked if a breakdown of prosecutions and fixed penalty notices figures were available by area. The Neighbourhood Protection Manager confirmed that information would be provided following the meeting, however pointed out that individuals who receive fixed penalty notice/prosecution could live in a different area to where the fly tipping incidence happened. An address of a person receiving a FPN cannot be disclosed. However, information relating to the number of people receiving enforcement actions for fly tipping in those areas were publicised.

Councillor Elmer was pleased to see positive rates of fly tipping in County Durham in comparison to the rates regionally and nationally. He praised the work of the Civic Pride team who were proactive in involving local residents to help rebuild pride within communities and highlighted the importance of balance in terms of the proactive approach against reactive resources. The Neighbourhood Protection Manager added that the Civic Pride Team were an important part of his service and explained that seized vehicles were sold and money goes back to the Civic Pride team for the neighbourhood grant schemes which funds education in schools, work with communities and eLearning packages.

Councillor McLean expressed his gratitude for the support he has received from Durham County Council since he was elected. He referred to issues with contaminated bins where enforcement and education has not worked and asked if the Council's collection service could collect contaminated bins from yards. He suggested that suspending the recycling collections for a number of weeks in designated problem areas and have weekly waste collections may address the problem. The Head of Environment advised that solutions to ongoing problems were reviewed regularly and explained the difficulty in removing bins from yards and the particular problems with open access voids. He advised of programmes that were being rolled out to make properties more secure. The importance for people to have the opportunity to recycle was highlighted, however recognised that it was not working in several areas around the County and would look at alternative solutions.

Councillor Sutton-Lloyd agreed that education would be a step in the right direction. He queried the timescales and flexibility of the team and asked for further detail regarding the coordination with partners. The Neighbourhood Protection Manager advised that the Clean and Green team have certain areas to work within and significant amounts of waste are removed proactively. Information and briefing notes on what to look out for were available to share with residents at community meetings. Key hotspot locations were being targeted with signage in laybys to act as a deterrent and they were increasing social media messaging to help people be more aware of their personal responsibility, consequences and steps they can take to protect themselves. It was noted that discussions had taken place whether National campaigning was required, however there has been no developments yet.

In response to a query from Councillor Potts regarding the action taken to target specific hotspot areas, the Neighbourhood Protection Manager advised that work is carried out with the Clean and Green teams in specific locations and adjoining areas and letters are circulated in communities with advice on what to do. He added that they were deploying CCTV to capture images in vulnerable locations and were engaging with the local community for information. Some people may be worried to speak out and therefore highlighted the use of Crimestoppers which is anonymous.

The Chair thanked the Neighbourhood Protection Manager for his presentation.

Resolved:

That the content of the report and presentation be noted.

7 Strategic Overview of Resources and Waste Management Services in County Durham

The Committee received a report of the Corporate Director of Neighbourhoods and Climate Change and supporting presentation that provided an overview of the strategic waste management policy, context and service delivery with regard to

management household waste and recycling in County Durham (for copy of report and slides, see file of minutes).

Oliver Sherratt, Head of Environment gave a presentation which highlighted the following areas:

- Councils overall approach to waste management, reduction campaigns to encourage reuse and promote recycling;
- Challenges of contamination;
- Collection Services;
- Safety and Policy;
- Challenges relating to Covid-19;
- Progress made;
- Environment Bill and Waste and Resources Strategy for England 2018;
- Look ahead.

The Head of Service explained that in recent decades there has been dramatic changes in the way society thought about waste and now people were more conscious of reusing and recycling rather than disposal. He described how there was now a circular economy in relation to recycling and reusing and advised that Biffa had developed a plastic recycling plant in Seaham which employed 100 people.

The Head of Service outlined the service's large resource capacity and its productivity covering the whole of the county divided into three operational areas. He described the various waste reduction campaigns including those such as the Green Move Out in partnership with Durham University encouraging students to give their pots and pans for reuse rather than throwing them out. The University then sells them to new students, thus reducing the amount of waste generated.

Members were advised of the processes involved in recycling from the collection at the kerbside through to recycled products back on the shelf. Although the process did have its challenges in relation to contaminated recycling, however the service had previously run campaigns to ensure the right waste was placed in the correct bin and the Portfolio Holder was keen to initiate a campaign regarding basics and re-stickering of bins to raise awareness what goes in which bin.

In relation to garden waste the Head of Service informed members that DCC now made their own compost from garden waste collected. The compost had undergone and passed all tests from the Environment Agency and now DCC was in a position to sell the compost.

Members were informed that currently DCC uses the Energy from Waste plant at Haverton Hill but this contract was due to end and a new multi council procurement within the Tees Valley was underway for post 2025.

The Head of Service advised that the Environment Act had received royal assent, the Act included food waste collections, consistent waste collections, garden waste collections – potentially free but may have maximum charges and the service was planning for these changes.

Councillor Adam highlighted there was no disruption to waste collection services due to Covid and thanked the service for this and queried if any changes had been made to the recycling policy specifically in relation to glass as he had received concerns from constituents that glass was not being separated at collection; and how the Energy from Waste treatment facility fits in with the policy with regards to the climate emergency response. He was concerned that the system would encourage more incineration which produces CO2 emissions and air pollution and how this would affect DCC's carbon reduction targets. The Head of Environment clarified there had been no change to the recycling policy and glass should be kept separate from other recycling materials. The collection vehicles had a separate compartment within them at the side of the vehicle for collecting glass, this was deliberate as not to cause contamination of the other recycling should the glass break. Regarding the Energy from Waste treatment facility, he advised that local authorities are awaiting the implementation of the National Waste and Resources Strategy and anticipated a reduction in waste that is produced in relation to supermarket packaging. This project links to the Teesside zero carbon scheme, linking up the sequestration of carbon and usage for heat and could be a national exemplar of best practice.

Responding to a question from Councillor P Atkinson regarding incentives offered to business and how recycling was monitored, the Head of Environment, advised that the Waste and Resource Strategy will have tax leanings and more requirements for businesses to recycle more and use less raw products. He added that advice is provided and depending on the size of the business, weekly recycling collections were offered. With the implementation of the strategy, it was anticipated that businesses will be more proactive.

Councillor J Quinn queried the accuracy of the bin collection success rate as he felt figures were a lot less in relation to abandoned bins and suggested that clear information needs to be provided regarding recyclable items that have been contaminated. He referred to complaints he had received in relation to bulky waste not being collected and suggested that time stamped photographs be taken to eliminate any disputes. The Head of Environment advised that statistics were derived by the number of bins collected and the number of missed bins that residents report. Abandoned bins were not included in this information, therefore would not register on the statistics. He advised that members concerns regarding abandoned bins would be taken on board when considering future campaigning and would feedback suggestions to the bulky waste team.

In response to Councillor Quinn's question about education the Head of Service advised the service would be increasing the content of the website so residents can check what goes in which bin.

Councillor Potts expressed his appreciation to the Clean and Green team who donated compost to the 'in bloom' and polytunnel projects. It was noted that replacing labelling on bins was a simple and effective way of advising residents what can and cannot be recycled. He referred to the furniture reuse scheme and asked if veterans services were able to access the scheme. The Head of Environment advised that there were several schemes available throughout the county and he would forward contact details.

Responding to queries from Councillor L Brown regarding issues with student bins and the length of time before abandoned contaminated bins are collected, the Head of Environment acknowledged the issue and confirmed the work carried out with students as many come from overseas and other parts of the country. He advised that crews tend to report contaminated bins and are collected when owners have been identified. It was noted that there was a one-off charge for lost or stolen bins and when possible, residents would be offered a used bin at reduced cost, subject to supply.

Councillor Elmer referred to County Durham's recycling figures for 2019 and compared against the national average, noting that figures in Wales which had a similar economy setting to County Durham were almost 15% higher. Frequency of messaging and education were known to be linked with behavioural change. He suggested consolidating work and focusing on clear goals allowing more capacity to achieve behavioural change, therefore asked if it was possible to rationalise education activities to release capacity and resources to achieve a higher frequency of messaging. The Head of Environment advised that County Durham have the highest figures in the North East in terms of recycling, however the explanation for figures lower than the national average was down to food waste collection. He highlighted national consistency with regards to collections and recycling and advised that if achieved, there would be more consistent national and regional messaging. The service recognised the benefits of the frequency of messaging and was hoping that once the contamination campaign begins it will continue for a year.

Referring to the Energy from Waste facility, Councillor Elmer expressed concern regarding the viability of carbon capture and creating a demand for waste in order for it to be commercially viable. He understood that the Council may well reduce the quantity of residual waste to be incinerated, however the difference could be made up by the private sector. The Head of Environment advised that the new arrangements would reflect the National Waste and Resources Strategy in relation to planning information and capacity. In terms of technology, the Energy from Waste was the only viable way forward as there were no other viable alternatives. He acknowledged that the carbon capture has not yet been agreed but emphasised if it were to happen, it would be the best environmental option.

The Chair thanked the Head of Environment for his presentation.

Resolved:

That the content of the report and presentation be noted.

Councillors Hampson and McLean left the meeting

8 Single Use Plastics Project - Update

The Committee received a report of the Corporate Director of Neighbourhoods and Climate Change and supporting presentation that provided an update on the progress made to reduce the use of Single Use Plastics in Durham County Council and across County Durham. (for copy of report and slides, see file of minutes).

Oliver Sherratt, Head of Environment, gave a presentation which highlighted the following areas:

- Why Focus on Single Use Plastics and the Global Perspective;
- Background and Durham's Approach;
- Work undertaken and Action Plan;
- Legislation – Waste and Resources Strategy for England 2018;
- Next Steps.

Members were informed of the benefits of plastics such as durability however those benefits were also the reasons behind the various problems which they cause. The Head of Environment continued by highlighting the need for education in relation to recycling to ensure that plastics were disposed of correctly. Members were reminded of the approach taken which was not just council focused but involved working with partners and of the continued progress in relation to the pledge.

The Head of Environment updated members with regard to DCC procurement activity which has been picked up at a national level to glean an understanding of DCC's approach. The committee was then provided with detail of progress made in relation to various actions identified in the action plan and that legislation had been introduced with restrictions imposed on the supply of plastic straws, stirrers and cotton buds. Members were then advised that there was a need to restart the SUPs network with regard to raising awareness and education and to continue to audit the use of SUPs. The Head of Environment concluded by reminding members that while a lot has been achieved to reduce the use of SUPs there was still a need to continue as there was still a lot of work to do.

Councillor Adam acknowledged the significant amount of work that had been undertaken to reduce single use plastics within the Authority and County Durham, however it was a cheap option with plastic was still being produced. He referred to the 2022/23 draft action plan (appendix 3) and suggested that the wording be

strengthened, and that Cabinet reinforce efforts to engage with event traders and organisers to reduce or remove single use plastic products. He highlighted the catering services plan that identified canned water vending option be introduced in leisure centres and asked if other alternatives could be considered. The Head of Environment confirmed that he would feed back to the Chair of the single use plastics group the comments made. He acknowledged there was still a long way to go and agreed that wider societal changes were needed. He advised that cans were perceived to be a more recyclable material, however agreed it would be beneficial for venues to encourage people to use their own re-usable water flasks or be able to purchase re-usable flasks or cups from venues. He advised that a deposit return scheme was included in the Environment Act 2021 and such a scheme would help towards changing behaviours however further detail in relation to the scheme would be included in the regulations when they are published.

Mrs P Holding, co-opted member, congratulated the work carried out in relation to recycling within the Council, however expressed concerns regarding fast food outlets and takeaways and the huge amount of plastic material they produce which is then deposited everywhere and asked how DCC is working with this sector to educate them not to use SUPs. The Head of Environment referred to licensing and advised that DCC could not require these businesses to eliminate the use of single use plastics, however they can encourage and advise businesses to be more environmentally conscious and address any issues with littering.

Councillor Elmer acknowledged that the strategy was reassuring and that every angle had been covered including procurement which was really important, however he noted that the use of single use plastics continued to increase. He felt the only way forward for change was through legislation, banning production of certain types of plastics where alternatives are available. He suggested that the Committee write to Central Government asking for stronger legislation to tackle production at source. The Head of Environment advised that the service was currently waiting for regulations to come forward from the Environment Act 2021 and added that he would be happy to provide members with a briefing at a future meeting on the National Waste and Resources Strategy when it was implemented, and regulations have been issued.

Resolved:

- (i) That the committee receive and comment on the report accordingly;
- (ii) That the Committee receive a future presentation detailing progress made against the actions identified within the report linking into the wider Climate Change agenda.

9 Work Programme Update 2021/22

The Committee considered the report of the Corporate Director of Resources that provided members with an updated work programme for 2021/22 and set out a proposal to address the recommendation included in the report to Cabinet on 13

October 2021 concerning consideration of whether an Ecological Emergency needs to be declared (for copy see file of minutes).

The Overview and Scrutiny Officer highlighted that the Chair and Vice-chair were keen, should the committee agree to undertake this piece of work to give all members of the committee the opportunity to participate should they wish to do so and therefore it is proposed to hold two special meetings to examine the data available and to make resulting recommendations to Cabinet. She referred members to the updated work programme and the proposed actions to address the request from Cabinet.

Councillor Adam was concerned with the request from Cabinet to add additional work to the scrutiny work programme without recognising the Committees original work programme and the additional pressures for officers. He continued by questioning the timescale imposed by Cabinet and commented that whilst scrutiny has undertaken work suggested by Cabinet previously a timescale has never been imposed and that it is for the committee to determine any timescale in relation to focused pieces of work. He acknowledged that the topic is a serious issue that needs to be tackled and agreed with the recommendations to include in the work programme. However, in addition to the above concerns he commented that the committee's work programme already included an item providing an update on the work of the Ecological Emergency Workstream of the County Durham Environment and Climate Change Partnership and asked for clarification that there would be no duplication of information and suggested that a representative from the Partnership be invited to the special meetings for them to contribute and avoid any duplication of work.

The Chair advised that all parties were keen to undertake the piece of work but would inform the Cabinet Portfolio Holder of the need for flexibility in relation to timescales and that it may not be completed within the six month timescale. This would ensure that officers have manageable timescales to be able to provide local and national data and give members the opportunity to consider and examine the information available to consider as to whether a declaration should be made. The Chair continued that she had spoken to the Head of Environment about potential duplication and was assured there was none but would extend an invite to the partnership if that was what the committee wished.

Resolved:

- (i) That two special meetings be added to the work programme to consider information in relation to the decline in natural habitats in County Durham;
- (ii) That following receipt of information, a report be prepared for Cabinet setting out findings and recommendations.