

PLACE SCRUTINY COMMITTEE

Thursday, 24 October 2019

PRESENT – Councillors B Jones (Chair), Boddy, Durham, McCollom, McEwan and Tait

APOLOGIES – Councillors Mrs Culley, Bartch, Donoghue, Howarth and Wallis

ALSO IN ATTENDANCE – Councillors Dulston and Snedker

OFFICERS IN ATTENDANCE – Ian Thompson (Assistant Director Community Services), Mark Ladyman (Assistant Director Economic Growth), Brian Graham (Head of Environmental Services), Dave Coates (Head of Planning, Development and Environmental Health), Carol Whelan (Environmental Health Manager) and Hannah Fay (Democratic Officer)

P16 DECLARATIONS OF INTEREST

In respect of Minute P17/Oct/19 below, Councillor Durham declared a pecuniary interest and left the meeting during consideration of that item.

P17 TO APPROVE THE MINUTES OF THE MEETING OF THIS SCRUTINY COMMITTEE HELD ON 12 SEPTEMBER 2019

Submitted – The Minutes (previously circulated) of a meeting of this Scrutiny Committee held on 12 September 2019.

RESOLVED – That the Minutes of the meeting of this Scrutiny Committee held on 12 September 2019 be approved as a correct record.

P18 INTRODUCTION TO ENVIRONMENTAL HEALTH

The Environmental Health Manager (Environmental Protection) gave a PowerPoint presentation on the role of the Environmental Health Section within Darlington Borough Council.

Members were advised of the structure and aim of the Environmental Health Department; that they are a regulator for over 30 separate pieces of legislation; the majority of functions are the result of a statutory duty placed on the LA; and the key areas of environmental health work were outlined.

Details were provided on the air quality in Darlington, which was generally good; the Council no longer operated fixed air quality monitoring stations but instead carried out diffusion tube monitoring of NO₂ emissions from traffic across the borough; and that the Annual Air Quality Status Report was available on the Council's website.

Members were advised of the work undertaken in respect of food safety; that a wide range of premises were inspected; detailed the types of complaints received and investigated; 97% of businesses in Darlington were broadly compliant with the food hygiene rating scheme and were rated 3 or above; and that these ratings could be obtained via the Food Standards Agency website.

Members were provided with details of a recent example of food safety enforcement in Darlington whereby a Chinese restaurant was prosecuted following an outbreak of salmonella food poisoning.

Reference was made to other areas of environmental health including noise complaints which covered domestic, commercial, industrial and recreational; nuisance complaints which included state of premises, smoke and refuse accumulations; and that in carrying out its duties, the Environmental Health department worked closely with a number of multi-agencies.

Discussion ensued in respect of food hygiene ratings which were not legally required to be displayed in England. It was confirmed that the ratings were automatically given as part of the inspection process and every food business was subject to inspection; and generally establishments with good ratings would have their rating on display.

Following a question in relation to the location of air quality monitoring equipment, Scrutiny were advised that there were 15 diffusion tubes placed across the borough for 12 month periods and that the location of the equipment could be reviewed at the end of the monitoring period.

In respect of the two stations in the town centre, Cockerton Bridge and St Cuthbert's, due to disrepair these were closed in 2012 and 2014 respectively and it was not economically viable to fix the equipment.

Concern was raised in respect of a diffusion tube on Haughton Road which had been damaged numerous times and it was confirmed that this could be placed in a different position to ensure it was more secure.

Members also sought assurance in relation to the proliferation of online food establishments and delivery services and requested further information as to how this was being addressed by the Local Authority.

A Member in attendance at the meeting highlighted the use of wood burning stoves and queried the requirements and standards in place in respect of fitting and operating the stoves. It was confirmed that the majority of Darlington was a smoke control area; that residents should be using smokeless fuel or exempt appliances; installation should be in accordance with building regulations via local authority or private inspectors or installed by a Heating Equipment Testing and Approvals Scheme (HETAS) engineer; and any complaints of smoke from chimneys would be investigated by environmental health.

RESOLVED – That the thanks of this Scrutiny Committee be extended to Environmental Health Manager (Environmental Protection) for her presentation.

P19 TEES VALLEY JOINT WASTE MANAGEMENT CONTRACT

The Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) seeking Members' views and feedback on the Tees Valley Joint Waste Management Contract prior to its consideration by Cabinet at its meeting on 5 November 2019.

The submitted report outlined the current position of the Tees Valley local authority waste contracts; Hartlepool, Stockton, Middlesbrough and Redcar and Cleveland

operated a single contract by SUEZ whilst Darlington had a separate contract for municipal waste treatment and disposal; and that these contracts were due to expire in 2025.

It was reported that a joined procurement approach across the five Tees Valley authorities for the delivery of a residual waste management solution was approved by Cabinet in January 2019; the updated Joint Waste Management strategy was adopted by the Tees Valley Local Authorities in January 2019 and set out the future strategic aims and objectives of the Tees Valley councils.

An outline business case had been developed to address the future treatment of municipal residual waste; an Inter-Authority Agreement developed to deliver the procurement, setting out the terms of joint working arrangements, procurement milestones and appointed Hartlepool Borough Council as the lead authority; and a reference site with full planning consent would be offered to bidders to ensure there was adequate competition for the contract and to mitigate any perceived advantage of SUEZ.

Details were provided of the key dates and financial considerations; the Tees Valley Combined Authority would provide funding of up to £5m for the procurement process which would be repaid over a 25 year period; and that the financial commitment for Darlington would be £1m.

Following a question Committee was advised of the process for waste transportation out of the borough to the disposal facility and it was confirmed that costs of transportation would be equalised and included in the gate fee to ensure no local authority was penalised for their location.

Discussion ensued in respect of the implications of the expected change in Government policy to widen the definition of municipal waste; Members were advised that rates of waste disposal had slowed down in part due to improved recycling and less packaging, but will inevitably rise due to population increases; a key objective of the Tees Valley Joint Waste Management strategy was to increase recycling of household waste; and that Darlington were performing well, with recycling rates at 46% in Quarter one.

A Member in attendance at the meeting highlighted the requirement to reduce domestic and industrial refuse by one sixth by 2050 in order to meet government climate change targets; that this would likely result in reduced rates of refuse; and that the potential impacts on the waste contract should be considered as part of the procurement process.

RESOLVED – (a) That the report be received.

(b) That Cabinet be:

- i) advised of this Scrutiny's view that the procurement process should consider the implications of the Government climate change agenda and targets to reduce pollution from consumption, which if met, would result in a reduction in municipal waste;
- ii) advised that the adoption of the Outline Business Case, the proposal to enter into the Inter-Authority Agreement and the Terms of Reference for the

- Project Delivery Group, all as appended to the submitted report, be supported; and
- iii) requested to take into account this Scrutiny Committee's views when considering the Tees Valley Joint Waste Management Contract report at its meeting on 5 November 2019.

P20 SCRUTINY COMMITTEES - PROPOSED TERMS OF REFERENCE

The Managing Director submitted a report (previously circulated) requesting that consideration be given to the proposed changes to the Terms of Reference for the Council's Scrutiny Committees.

The submitted report stated that the Leader of the Council intended to implement a number of changes to the Cabinet Portfolios with effect from December 2019; and that Officers had been requested to review the terms of reference for the Council's Scrutiny Committees with a view to align them more closely with the Cabinet Portfolios.

The full details of the changes being made to the Cabinet Portfolios and the proposed terms of reference were appended to the submitted report.

Members noted the proposed terms of reference and suggested that the reference to gender within Schedule 2 is replaced with gender neutral language. Concern was raised in respect of a Portfolio holder using the new title of their portfolio though the changes to Portfolios were not coming into effect until December.

RESOLVED – (a) That the proposed changes to this Scrutiny Committee be noted and agreed.

P21 WORK PROGRAMME

The Managing Director submitted a report (previously circulated) requesting that consideration be given to this Scrutiny Committee's work programme and to consider any additional areas which Members would like to suggest should be included in the previously approved work programme.

In light of the proposed changes to the Portfolios and Scrutiny Committees, Members queried the relevance of the current work programme.

RESOLVED – (a) That the current status of the Work Programme be noted.

(b) That the items on the Work Programme be reviewed.