

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Litter policies and practices

Meeting/Date: Overview and Scrutiny Panel (Environmental Well-Being) –
11th November 2014

Executive Portfolio: Councillor D M Tysoe, Executive Councillor for Environment

Report by: Operations Manager

Ward(s) affected: All

Executive Summary:

This report provides details of the Council's street cleansing service and in particular our litter policies and practices as requested by Chairman of Overview and Scrutiny (Environment). It is timely to present this report as part of the Facing the future programme there are a number of projects relating to street cleaning which in effect means that a review of the service is required.

It provides details of the Council's statutory responsibilities and the arrangements we have in place to meet those requirements.

Recommendation(s):

It is recommended that the report be noted.

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1. WHAT IS THIS REPORT ABOUT/PURPOSE?

- 1.1 This report provides details of the Council's street cleansing service and how its litter policies and practices are delivered to meet our statutory responsibilities under the relevant legislation.
- 1.2 It also gives the committee the opportunity to review the standards and consider if they believe changes need to be recommended to Cabinet.

2. STATUTORY RESPONSIBILITIES

- 2.1 There are two main pieces of legislation relating to street cleansing. These are:
- Environmental Protection Act (EPA) 1990
 - Clean Neighbourhoods and Environment Act (CNEA) 2005 - this adds powers to and compliments parts of the EPA.
- 2.2 The main duties within the EPA are for the local authority to ensure it keeps any relevant land or relevant highway for which it is responsible, so far as is practicable, clear of litter and refuse.
- 2.3 Relevant land must be open on at least one side and under the direct control of a duty body (district, borough or county council) to which the public have access with or without payment.
- 2.4 Relevant highway means highway maintained at the public expense i.e. adopted roads. When determining the highway this normally means from boundary to boundary and will include verges, highway ditches, layby's, pavements and well as the road surface.
- 2.5 Private land and unadopted roads are not classed as relevant land or highway and would be the responsibility of the landowner.
- 2.6 As part of the EPA the Secretary of State has to prepare and issue a code of practice for the purpose of providing practical guidance on the discharge of the duties described above. This is known as the Code of Practice on Litter and Refuse (COPLR).
- 2.7 The COPLR contains three parts. Part 1 deals with the responsibilities required to keep relevant land and highway clear of litter and refuse. Part 2 provide advisory standards for graffiti and fly-posting (these are not statutory responsibilities). Part 3 contains details of the legislative standards.
- 2.8 The Code of Practice provides common definitions in relation to litter and refuse. These are as follows:
- Litter - most commonly assumed to include materials, often associated with smoking, eating and drinking, that are improperly discarded and left by members of the public; or are spilt during business operations as well as waste management operations. These include certain discarded smoking-related materials e.g. cigarette ends and discarded chewing gum (however cleansing standards under the COPLR do not apply to trodden-in chewing gum).
 - Refuse - this includes household and commercial waste and can include fly-tipped waste. Dog faeces are to be treated as refuse on certain descriptions of public land. Dog fouling is a separate offence from littering.

- 2.9 As part of our requirements to keep highways clean, it is recommended that detritus should be removed alongside litter and refuse and from all other hard surfaces for which the council is responsible. Detritus comprises small, broken down particles of synthetic and natural materials and includes dust, mud, soil, grit, gravel, stones, rotted leaf and vegetable residues, and fragments of twigs, glass, plastic and other finely divided materials. Leaf and blossom falls become detritus once they have substantially lost their structure and have become mushy or fragmented.
- 2.10 The COPLR specifies grades of cleanliness for both litter and detritus against which the standard of an area can be judged. Depending on the grade of the area and the zoning of an area, this will determine the timescales to bring the area back up to an acceptable standard. Further details of the COPLR are detailed in Appendix 1.
- 2.11 The Council is expected to set their cleansing schedules so that they meet the duty to keep their relevant land clear of litter and refuse and highways clean. Response times are specified in the COPLR, and are maximum response times to restore the area to grade A standard if it falls below grade B. Consequently some Councils only maintain areas to a Grade B standard and so do not need to up the cleaning to a Grade A unless the standard falls.
- 2.12 The principle behind the COPLR is the management of an area to keep it clean, not on how often it is cleaned. Consequently resources are directed to those areas which need it most and in reality this means the town centre areas with villages receiving a reduced level of service as set out in Section 5.
- 2.12 If an individual felt that the Council was not complying with its duty under the EPA then they can take action through the magistrates' courts against us. If the magistrates' court concludes that the complaint is well founded, it may issue a Litter Abatement Order requiring the land be cleaned.

3. OTHER POWERS (NON-STATUTORY) RELATING TO STREET CLEANSING

- 3.1 The Anti-Social Behaviour, Crime and Policing Act 2014 introduces Community Protection Notices (CPN) which can be used to deal with a problem negatively affecting the community e.g. littering, accumulations of waste, graffiti. As this part of the Act only commenced on 20 October 2014, as yet the Council does not have authorised officers to issue notices.

4. CURRENT RESOURCES

- 4.1 The council currently employs 28 FTE and 2 part time staff on street cleansing, 1 Team Leader and a Supervising Inspector who covers both Street Cleansing and Grounds Maintenance. As part of the "Facing the Future" projects a number of posts have only been filled on fixed term contracts for between 1 and 2 years, to allow flexibility to change the service in the future.
- 4.2 The resources are deployed daily to try and maintain our requirements under the COPLR. In line with the need to respond to busy areas in less time than low intensity use areas, our resources are structured around this. Details of how our resources are deployed are detailed in Appendix B. This is dependent on us having enough staff to cover the work and we will prioritise busier areas or more urgent work if there are not enough staff available. Other factors may also determine where resources are used daily, for example where we need to urgently remove flytipping or in times of leaf fall when hot spot areas will be targeted. This will include accumulations of leaf fall on main pedestrian routes

(e.g. town centres, outside schools), or where leaves may cause an obstruction or danger to the public (for instance where the whole path is covered with wet and slippery leaves). When we get complaints from one of the main town areas, one of the crews within that area will be given the complaint to rectify. Availability of sweepers will also determine what resources are used daily. If a pavement sweeper is off the road, additional resources will need to be drafted into the town centres in the early morning to assist in this area.

- 4.3 Street cleansing works every day of the year (with the exception of Boxing Day). The main cleansing work is carried out during the week, however in order to meet our responsibilities in the COPLR, we also have a smaller resource who work at weekends. In order to reduce overtime costs, a number of staff now have weekend working in their contract of employment.

5. SERVICES DELIVERED UNDER STREET CLEANSING

- 5.1 Mechanical Sweeping - We operate two types of sweepers, road sweepers (2) and compact pavement sweepers (3). These are used to remove detritus and litter from both road channels and pavements across Huntingdonshire. The road sweepers do not operate where there are no kerbed channels, and in some areas due to the type of block paving cannot be used as they may loosen the blocks. The compact pavement sweepers are located in the main towns, assisting with the town centre areas first thing in the morning and then go out to other areas of the town covering most areas on a 4-6 week cycle depending on availability and other issues, such as leaf fall.

- 5.2 Manual litter picking – staff work across the district removing litter from roads, pavements, grass verges, grass areas, ditches, laybys and any other land we are responsible for. This includes high speed roads such as A14 and the A1. This can be based on their scheduled work, in towns the crews normally check most areas weekly, litter picking those that require it. Other crews go out and complete works tickets, these are requests for areas to be litter picked from the public, or where areas are noticed by Supervisory staff when undertaking inspections. In the northern area of the district the villages have a crew that litter picks these areas. In the southern area of the district the village work is carried out by either a dedicated village crew when additional resources are available or combined with the other flytipping, works tickets or bulky collections we are undertaking in these areas.

- 5.3 Fly tipping - as part of the Council's responsibilities to keep relevant land and highways clear of litter and refuse, we remove fly tipped waste. This can range from a black sack of waste to a lorry load of mixed waste. On some occasions hazardous waste such as chemicals or asbestos is found and a specialist contractor is used to remove this waste. In addition this can sometimes be in awkward locations such as roadside ditches which may be filled with water, or down bridleways which due to the weather we cannot access until conditions improve. Most fly tips which we are responsible for collecting are removed within 3 working days. Fly tipping on private land is the responsibility of the landowner to clear.

- 5.4 Graffiti and Illegal Sign Removal - we remove graffiti from accessible public places and not on private property. Removal of racist or offensive graffiti is normally completed within 48 hours of it being reported. On occasions we will remove graffiti from private property if the owner pays subject to an indemnity being provided. The provision of this service will depend on the type of surface and resources available.

The term 'illegal signs' refers to any notices that are put up on the public highway without prior permission. This may be 'A' boards advertising businesses which are on the pavement, notices tied to lamp-posts ('Look who's 40!' or 'Furniture Sale' type notices). Illegal signs are routinely removed by the Operations division.

We do not remove temporary signs for organised community and charity events unless these are left in place for any length of time after the event has taken place.

5.5 Removal of Dead Animals - we remove dead animals from the highway where they may cause a traffic incident. In the case of domestic pets we always remove these and scan them for owner details before arranging for disposal if the owner does not want them back.

5.6 Household Bulky Collections / Chute collections - these services are provided on behalf of the refuse collection service. Due to the current economic climate the household bulky collection has reduced to operating only one week out of two. The Council receives an income for providing each collection to a householder.

A number of flats within Huntingdonshire still operate on chute collections. Due to the type and size of the bags used for these collections, they have to be collected on a transit van so the street cleansing service undertakes this work. This is undertaken on a Monday and Friday every week.

5.7 Weed spraying - this is not a responsibility of the district council, but a County Council responsibility. We currently undertake this work on behalf of the County Council for which we are paid an income. The provision of the service has additional benefits to the Council in that it makes street cleansing easier and we incorporate some of this work in with our normal sweeping schedules. Due to complaints about the service this year it is clear that this Council is doing more than the service level agreement requires. Some discussion with the County Council will be required as their understanding of the SLA is a wider specification for the service than the latter requires.

6. ENFORCEMENT & EDUCATION

6.1 The Environmental Enforcement team have carried out a number of educational and enforcement actions in relation to complaints regarding litter. This has included work in St Ives to resolve the problem of fast food litter at weekends and work with Tesco in Huntingdon to resolve litter issues on their site.

6.2 Officers have also undertaken educational visits to take-away premises in St Ives and Ramsey and been involved in running a litter education session in the Junior PCSO scheme.

6.3 We are trying to make greater use of Fixed Penalty Notices for littering where appropriate and will hopefully looking to work with partners on this. This will be developed further as part of the Facing the Future projects as time and resources allow.

6.4 We provide resources such as litter pickers and hi-vis vests to community groups undertaking litter picks and will collect the waste. This encourages the local community to take pride in their town/village.

7 PROVISION & EMPTYING OF LITTER BINS

- 7.1 We receive a number of requests each year for litter bins. Due to the costs to supply and install litter bins, we have to assess whether an area actually needs a litter bin and whether there is a suitable location on the highway. When we receive a request for a litter bin we monitor the area for once/twice per week for approximately 3 months to assess the amount of litter and whether it would be justified. Where a bin is justified then we will install one.
- 7.2 Emptying of litter bins is undertaken by both the street cleansing staff and refuse collection staff. This ensures efficient use of resources and that we are not sending staff to empty bins in more rural areas that only have a few items in them. The information relating to litter bins is currently being transferred to the GIS system as it is unclear how many litter bins we currently have to empty without having to interrogate the paper records or ask the crews directly.
- 7.3 The council does not provide separate dog bins. Dog waste can be put in our litter bins.

8 BUDGET SAVINGS

- 8.1 Street cleansing was identified for budget savings for 2014/15 and £70K has been removed from the budget by reducing the litter bin budget, agency budget and overtime budget, plus a few other small areas.

9 FUTURE ISSUES

- 9.1 As the Council has a duty to keep clear any adopted highways, the service is growing every year. There has been no growth in the street cleansing budget for many years, and no additional resources provided. With staff now on contract to work weekends, we have to accommodate time off in the week which affects the numbers of resources in the week. With the rate of planned growth for the district this is starting to become an issue and some of the crews are struggling to cope with the areas their schedules cover and having to concentrate on more littered areas. If the Council wishes to maintain standards as they currently are, then future resourcing of the service will need to be considered, otherwise it is likely in future standards will have to be cut.

- 9.2 Facing the Future has a number of service reductions included:-

- Remove the town centres cleaners who operate during the day;
- Reduce the frequency of sweeping of highways and only have 1 road sweeper.
- Extend the hours worked or introduce working on a rota basis so that vehicles are used 7 days a week;
- Withdraw the graffiti/fly poster removal service.

There are also a range of service delivery options which will require a wholesale review of the service.

- 9.2 The construction of the new A14 will also have an impact as it is likely that we will be the authority responsible for litter picking and sweeping of this road. As the majority of the old road will remain, we will be taking on this work in addition to what we already do.

- 9.3 There is currently no specific guidance relating to health and safety operations and street cleansing, however this is currently being developed by HSE following a number of serious or fatal accidents involved in staff undertaking street cleansing operations. This is currently in development, however it is

likely that we will need to risk assess all roads we undertake street cleansing duties on, for all the activities we do (litter picking, sweeping, collection of fly tipping etc.). There may be a need in some cases to provide traffic management for some areas, which will be at a cost to the Council.

10 REASONS FOR THE RECOMMENDED DECISIONS
(Summary leading to the Recommendations)

10.1 This report is for members information and to note.

11. LIST OF APPENDICES INCLUDED

Appendix 1 - Summary of provisions of Code of Practice on Litter and Refuse

Appendix 2 - Allocation of Street Cleansing Resources

BACKGROUND PAPERS

Code of Practice on Litter and Refuse.

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