

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Environmental Matters – Update Report. **(VERSION 2)**

Meeting/Date: Overview and Scrutiny Panel (Communities & Customers) – 7th June 2016

Executive Portfolio: Councillor Robin Carter – Executive Councillor for the Environment, Street Scene and Operations

Report by: Alistair Merrick – Interim Head of Service (Operations)

Ward(s) affected: All

Executive Summary:

1. The report provides an update on the progress made to improve the service delivery arrangements for the following environmental service activities: graffiti and flyposting removal; environmental enforcement action; annual management plans for Countryside assets; and delivery of grounds maintenance activities.
2. The transformation of the Operations Service during 2015/16 included the development of a broad range of policies, strategies and service specifications to better direct future investment in services and then the delivery of those services. This in turn has required the fundamental reconfiguration of service delivery arrangements to meet specified service requirements and standards. Overview and Scrutiny have had a critical role in the shaping of the policy, strategy, service specifications and new service delivery arrangements. During this work Overview and Scrutiny requested update reports on the following:
 - Graffiti and flyposting removal;
 - Environmental enforcement activities;
 - Annual management plans for Countryside assets;
 - Delivery of the new grounds maintenance service delivery arrangements.
3. The report re-states the powers this Council has in respect the removal of graffiti and flyposting and circumstances and service standards for the removal of graffiti and flyposting adopted by the council in January 2016. The report also includes an analysis of the 26 incidents of graffiti reported to the council in 2015/16 and the measures taken to resolve the long standing problem of graffiti on utility boxes.
4. The powers this Council has to deal with flyposting and how they are

discharged in relation to the County Council that has the lead role on the Highway for removing flyposting, which is the main location for it.

5. The current arrangements of this Council for delivering environmental enforcement activities (for flytipping, litter and abandoned cars) are outlined in the report with a profile of the action taken in 2015/16.
6. The report also confirms the approved programme for drafting annual management plans for all Countryside assets previously scrutinised by the Economy and Growth Overview and Scrutiny Panel has been met.
7. Finally the report provides an update on the implementation of the new service delivery arrangements for the grounds maintenance service.

Recommendation:

1. The review of the service delivery arrangements detailed in this report gives the Panel the opportunity to appraise the impact of previous scrutiny work and to influence the future development of service delivery arrangements for these key environmental activities.

1. Purpose of Report

- 1.1 To provide an update on the progress made to improve the service delivery arrangements for the following environmental service activities: graffiti and flyposting removal; environmental enforcement action; annual management plans for Countryside assets; and delivery of grounds maintenance activities.

2. Background

- 2.1 During 2015/16 the Operations Service was fundamentally restructured and transformed against the following drives:

- The customer and optimisation of business processes around the customer.
- Commercialisation of services to embed demand management, generation of income and delivery of trading surpluses/efficiencies.
- Introduction of an a robust asset management approach to environmental assets and maintenance; (*needs analysis – strategies to confirm priorities – management plans/asset management register – resources plans on market rates*)
- Business intelligence driving the business, with robust governance and performance arrangements.
- Detailed plans for continuous service improvement, service improvement certificates.

- 2.2 The transformation included the development of a broad range of policies, strategies and service specifications to better direct future investment in services and then the delivery of those services. This in turn has required the fundamental reconfiguration of service delivery arrangements to meet specified service requirements and standards. Overview and Scrutiny have had a critical role in the shaping of the policy, strategy, service specifications and new service delivery arrangements. During this work Overview and Scrutiny requested update reports on the following:

- Graffiti and flyposting removal;
- Environmental enforcement activities;
- Annual management plans for Countryside assets;
- Delivery of the new grounds maintenance service delivery arrangements.

3. Graffiti & Flyposting Removal

- 3.1 Detailed below for clarification are what this Council's powers are regarding graffiti and flyposting removal. The Operations Service can and cannot do:

- a) Remove graffiti immediately if it is abusive or racial;
- b) Remove graffiti on public or charitable buildings;
- c) But there is no legal obligation for the Operations Service to remove graffiti from private property and the Council may charge for graffiti removal from private property if it carries out such works with the owners approval;
- d) If the Operations Service is unable to remove the graffiti they will recommend service providers who can.

3.2 On 21 January 2016 the Cabinet approved a new service specification for street cleansing activities undertaken by the Operations Service and this includes the following definition of graffiti and fly tipped waste:

- a) Where the term ' fly tipping' or 'fly tip' is used it means any deposit or accumulation of earth , debris, rubbish, refuse, waste, furniture, equipment or any other thing abandoned or apparently abandoned by any person at any location, on or off the highway, without the approval of the Highway Authority.
 - i. It includes refuse or waste stored in containers on a highway awaiting collection by any agency if they are not collected or removed within a reasonable period of the scheduled time.
 - ii. It includes anything that the Council may remove under powers given in Section 6 of the Refuse Disposal (Amenity) Act 1978.
 - iii. It includes anything abandoned or apparently abandoned on, in or adjacent to a motor vehicle which the Authority may remove under powers given in Section 3 of the Refuse Disposal (Amenity) Act 1978.
 - iv. It includes anything specified by the Head of Service to be treated as a fly tip.
- b) Where the term of 'public building' is used in respect to graffiti it means a building in the ownership of an organisation whose work is part of the process of government, but is not a government department.
- c) Where the term of 'offensive graffiti' is used it means graffiti that is abusive (insulting) and racial (derogatory in respect of someone's ethnological back ground) in nature.

3.3 The approved service specification also includes the following performance standards for graffiti and flytip removal:

- a) The Street Cleansing Service shall remove offensive graffiti within 24 hours of being reported and graffiti on public buildings within 5 working days of being reported.
- b) The Street Cleansing Service shall remove fly tipped waste on the highways or Council owned land within 24 hours of being confirmed for removal by an Environmental Enforcement Officer if it is hazardous waste and within 5 working days of being confirmed for removal by an Environmental Enforcement Officer if it is non-hazardous waste.

3.4 In 2015/16 there were 26 incidents of graffiti reported by the Public to the Operations Service for removal with the following profile:

Nature of Reported Incidents	Analysis of Reported Incidents
Location of reported incidents	<ul style="list-style-type: none"> a) There were 11 reported incidents of graffiti in Huntingdon. b) There were 11 reported incidents of graffiti in St Neots. c) There was one reported incident of graffiti in Yaxley. d) There was one reported incident of graffiti in Somersham. e) There was one reported incident of graffiti in Fenstanton (not on HDC land or the Highway). f) There was one reported incident of graffiti in Ramsey.
Reported incident involved private property	Two incidents, one in Huntingdon and one in Fenstanton (7.7% of incidents).
Reported incidents involving play areas	Eight incidents involved graffiti in play areas or skate parks (30.7%). The Street Scene Service now has a dedicated resource for play area and inspections and this small team is proactively dealing with graffiti often before it is reported.
Reported incidents categorised as offensive	Nine of the incidents were categorised as offensive, (34.6%). The standard adopted in late January 2016 now requires these incidents to be removed within 24 hours of being reported.
Average time taken to remove the reported incident of graffiti	The average time to clear an incident of graffiti was 6.58 days for 2015/16. This is the benchmark of previous performance before the target was introduced in late January 2016. It was also significantly influenced by two incidents taking 22 days and 40 days to be closed off on the Call Centre CRM as completed. This has been rectified.

- 3.5 To support the sharper focus now being taken on graffiti removal the following work practices have been adopted:
- a) To resolve a long standing problem with graffiti on utility boxes that the Council have no powers to clean and cleaning has to be in accordance with the relevant utility companies procedures because of the sensitive equipment in the boxes a scheme has been agreed with the utility companies for HDC to put stickers on the boxes providing contact details at the companies for the public to request cleansing.
 - b) Street cleansing teams are now carrying cleansing wipes so that they can proactively remove graffiti on public buildings if it can be removed without special chemicals.
- 3.6 **Flyposting:** In respect to flyposting the Highway Authority (the County Council) does have powers under the Highways Act 1980 which includes the ability to remove posters on street furniture. In some places they have passed this power down to this Council but they are still required to confirm in each individual incident of flyposting that such action can be taken to ensure permission has not been given for the signs to be in place. Similarly there are also some powers that allow a Planning function of a Council to take action. However this again requires investigation and confirmation of action to remove from the Planning Enforcement Team. The enforcement protocol for the Planning Enforcement Team has been re-written to give a higher priority to matters of environmental crime but enforcement of non-compliance with planning approvals remains the priority for the Planning Enforcement Team.
- 3.7 Flyposting is particularly prevalent in relation to promoting local events and often involves promoters who book venues in the District. There is clear responsibility for the venue owners to prohibit such behaviour from their hirers or to clearly advise that approval is needed from the County in relation to posters on the Highway and from the utility companies regarding utility boxes. Rather than removal, the underlying issue is one of enforcement by Licencing and Planning Enforcement. This is because most of the powers HDC have are contained in three pieces of Legislation but they are directed to the criminal nature of the activity rather than removal. Active support has been received from District Councillors regarding particular venues failing to control promoters who book their venues and this has seen a reduction in flyposting.
- 3.8 For reference the Environmental Enforcement Officers in the Community Division can:
- a) Deal with litter, dog fouling and graffiti;
 - b) Investigate, enforce and remove abandoned vehicles;
 - c) Investigate, enforce and remove flytipping.
 - d) Investigate and enforce in respect to non-compliance with waste collection policies;
 - e) But they have no authority for dealing with A Boards or flyposting on the Highway.

3.9 **Environmental Enforcement (flytipping, litter and abandoned cars):** Is dealt with through these two Environmental Enforcement Officers and detailed overleaf is a profile of their activity over the last four years in respect to dealing with flytipping and litter on the Highway and Council owned land.

Annual Performance	Fly Tip Investigation	Warning Letter	Statutory Notice	Fixed Penalty	Duty of Care	Stop & Search	Simple Caution	Prosecution
2012/13	788	122	54	1	96	6	2	-
2013/14	609	90	54	3	111	-	-	-
2014/15	934	140	58	22	79	-	-	-
2015/16	1,109	109	31	26	31	-	-	1
Total	3,440	461	197	52	317	6	2	1

Notes:

- 1) Fly tip investigations is the number of reported incidents of flytipping received from Councillors or the public via the Call Centre. Not all of the incidents will be on land that the Council has responsibility, e.g. private farmland, industrial premises etc.
- 2) Warning letters are the stage before a Statutory Notice and seek to get an individual or business to remove flytip or to cease littering.
- 3) Statutory Notices are issued under the Environmental Protection Powers that the Council has and they require an individual or business to control their waste.
- 4) Fixed Penalty Notices are issued largely in respect of littering.
- 5) Duty of Care Notices relate to inspections of commercial premises to confirm they have a trade waste contract to meet legislative requirements.

3.10 From the above profile the following trends and issues can be identified:

- a) With the exception of 2013/14 there has been an upward trend in incidents of flytipping with an increase of 175 incidents in 2015/16 from the previous year. Further work needs to be done to address the reasons for the increase, specifically the sources of the flytipping and drivers for people responsible for the waste.
- b) The downward trend for Warning Notices and Statutory Notices needs to be addressed through the setting of performance targets for the Environmental Enforcement Officers.
- c) Stop and Search activities and Simple Cautions are related to joint initiatives with the Police and will only become relevant again if such joint initiatives are prioritised again in the future.
- d) Abandoned vehicles have become an increasing problem with 51 being removed and destroyed in 2015/16 this has meant that Duty of Care inspections having to be de-prioritised. This is appropriate prioritisation within the current resource base for environmental enforcement activities.

3.11 Detailed below are the performance targets set for the next five years in the 2016/17 Service Plan for the Operations Service for graffiti and flytip removal. These targets need to be viewed together with the performance targets for street cleansing and

grounds maintenance activities as evidence of the Operations Service delivering an integrated Street Scene Service as agreed by the Cabinet in April 2016.

Key Performance Indicators - Service	2016/17	2017/18	2018/19	2019/20	2020/21
Household waste recycled/composted.	58%	59%	59%	60%	61%
Number of missed bins per 100,000 households (after 48 hours).	0.1%	0.08%	0.05%	0.03%	0.02%
Removal of offensive graffiti within 24 hours of being reported.	95%	96%	97%	98%	98%
Removal of non-offensive within 48 hours of being reported.	95%	96%	97%	97%	97%
Removal of hazardous flytipping within 24 hours of being reported for clearance.	95%	96%	97%	98%	98%
Removal of flytipping within 48 hours of being reported for clearance.	95%	96%	97%	97%	97%

4. Annual Management Plans for Countryside Assets

4.1 The purpose of management plans is to better direct the management, development and maintenance of Countryside assets over the short and medium term. This is to ensure there is a clear strategic framework for the Countryside Service going forward. The management plans will always be developed with the input of the existing voluntary groups involved with the Countryside Service because their expertise and contributions are essential in order to progress the self-management of selected assets by these groups.

4.2 The proposed structure that has been development for the management plans is as follows:

- **Statement of current wildlife and amenity value:** This is based on the Countryside Service grading the overall wildlife value and amenity value as none, poor, fair, good or excellent. For assets to be retained long term, either directly managed or through self-management arrangements the assets must be graded as good for both values or through the incremental delivery of annual management plans over a 3 to 5 year period have the potential to achieve a good grading. Sites that do not have the potential to achieve a good grading for wildlife and amenity value will be reviewed in respect to being retained as assets for the Countryside Service.
- **Clarification of current site users and key target groups for the future to extend usage:** This clarification of users and potential users is essential to ensure that the future development proposals for sites and the annual promotional plan for the Countryside Service are tailored to existing users and potential users in order to extend the user base of the Countryside assets.
- **An overview of the site and the zoning of the site according to wildlife and amenity value:** the overview is a description of the site that covers the location and surrounding land assets; the usage profile of the site; the mixture of habitats and profile of notable species on the site; details of the structures on the site including maintenance responsibilities; any rights of way or access issues specific to the site; and finally any specific legal or legislative conditions or requirements that apply to the site. This forms the context against which the management plan for the site has been developed.

- **By zone the individual objectives, actions, development proposals and issues for each zone:** This includes the breaking down of the site into a series of management zones which again are individually graded in respect of wildlife and amenity value with a schedule of objectives, actions and development proposals to improve the grading of the zone.

4.3 Detailed below is agreed programme for the development of the management plans for Countryside assets and the progress made in completing these plans:

Countryside Site	Completion Date for Drafting of Management Plan	Progress to Date
Godmanchester Nursery	12 February 2016	Completed
The Thicket	12 February 2016	Completed
Wlihorn Meadow	12 February 2016	Completed
Holt Island	12 February 2016	Completed
Ouse Valley Way	12 February 2016	Completed
Alconbury Tree Nursery	19 February 2016	Completed
Spring Common	19 February 2016	Completed
Stukeley Meadows	19 February 2016	Completed
Views Common	19 February 2016	Completed
Colne Grave Yard	26 February 2016	Completed
Hartford Wood	26 February 2016	Completed
Stukeley Railway Cutting	26 February 2016	Completed
Hill Rise	26 February 2016	Completed
Riverside Park – Huntingdon (part)	26 February 2016	Completed
Paxton Pits	10 March 2016	Completed
Sudbury Meadows	10 March 2016	Completed
Hinchingbrooke Country Park	18 March 2016	Completed

- 4.4 The management plans are now being implemented to drive the re-orientation of the Countryside Service which includes the following:
- a) Clarification with landowners of roles and responsibilities for maintenance issues on their sites and so ensuring rights of access to sites.
 - b) Some of the maintenance work passing to the Grounds Maintenance Service to deliver because this represents better value for money.
 - c) Completion of a full health and safety review of the Countryside Services to better ensure the safety of users and staff.
 - d) Development and delivery of an annual programme of events on Countryside sites.
 - e) Development of management arrangements to move sites towards self-management of sites and to ensure the involvement of stakeholders.
- 4.5 The Panel is requested to identify the particular management plans that they would like to scrutinise in more detail in early 2017 in respect to progress made against set actions and targets.

5. Delivery of Grounds Maintenance Activities

- 5.1 The deployment plan for grounds maintenance activities detailed below that was approved by the Cabinet on 21 April 2016 has been deployed in full.

Grounds Maintenance:	Team Leader	Skilled Operatives	Total Staffing
Ramsey & Northern Rural Areas (Green Zone)	1	3	4
St Neots & Southern Rural Areas (Orange Zone)	2	6	8
Huntingdon, St Ives & Central Rural Areas (Blue Zone)	2	6	8
Large Sites Team (Priory Park, Riverside Park (St Neots), Hill Rise Park, Riverside Park (Huntingdon))	1	1	2
Total Staffing	6	16	22

- 5.2 The works being undertaken are in accordance with the service specification approved by Cabinet on 12 February 2016. This has however included on-the-job training for operatives in the maintenance standards they are now required to deliver, particularly in respect to completing works in full before leaving site. The outcome has been the delay in some of the work programmes to get this training completed. However by 31 May 2016 the following works had been undertaken:
- Three completed cuts of all grass to be maintained including strimming of obstacles;
 - Two completed weed treatments across the District with some follow up hoeing of dead weeds now required.
 - All planned remedial shrub/rose bed schemes have been completed.
- 5.3 Negotiations continue with the County Council about the maintenance of their land to resolve the long standing issue of the level of works that they will fund (two cuts per annum of grass verges) against the expectations of residents particularly in urban areas. The County Council's position is that they do not have resources because of budgetary pressures and other Highways investment priorities to fund increased maintenance levels therefore land ownership arrangements are being explored to move matters forward to move to a mowing regime based on 7 to 8 cuts per annum.
- 5.4 Detailed below are the performance targets set for the next five years in the 2016/17 Service Plan for the Operations Service for grounds maintenance and street cleansing activities. These targets need to be viewed together as evidence of the Operations Service delivering an integrated Street Scene Service as agreed by the Cabinet in April 2016.

Key Performance Indicator – Corporate Plan	2016/17	2017/18	2018/19	2019/20	2020/21
Grounds maintenance works to standard (new).	80%	82%	86%	88%	90%
Street cleansing works to standard (new).	80%	82%	86%	88%	90%
NI195 results for street cleansing, (graded A-B) (new).	80%	85%	90%	92%	94%
Street cleansing and grounds environmental maintenance service requests resolved in 5 working days (new).	80%	82%	86%	88%	90%
Residents satisfied with street cleansing services (new).	60%	64%	68%	72%	75%
Residents satisfied with grounds maintenance services (new).	55%	58%	60%	63%	65%

6. COMMENTS OF OVERVIEW & SCRUTINY PANEL

6.1 Comments of the Panel will be included in the future reports to the Cabinet regarding the delivery of these environmental activities by the Operations Service.

7. KEY IMPACTS/RISKS AND HOW THESE WILL BE ADDRESSED

7.1 The service specifications, service standards and new maintenance regimes have been developed to reduce the risk of the Council failing to properly protect, develop and maintain the public realm environment of the District.

8. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

8.1 Independent monitoring of service standards has been put in place along with standardised performance reporting to be able to evidence the standards of service being delivered.

9. LINK TO THE CORPORATE PLAN

9.1 The measures contained in this report will contribute to the Corporate Plan as follows:

- a) Enhancing fundamentally the built and green environment of the District.
- b) Operations becoming much more business-like and efficient in the way it delivers services.
- c) The new service delivery arrangements will ensure the Operations Service aligns with the principles and requirements of the Council's Customer Services Strategy.

10. CONSULTATION

10.1 The service improvement plan adopted by the Operations Service includes a structure of on-going consultation with residents and service users; these will be used to test the performance in respect to the delivery of the environmental maintenance activities detailed in this report from the users' perspective. The performance monitoring results will also be published to evidence to residents that specified service standards are being delivered.

11. LEGAL IMPLICATIONS

11.1 The service delivery arrangements outlined in this report will better enable the Council to meet the requirements and environmental maintenance standards of the Environmental Protection Act.

12. RESOURCE IMPLICATIONS

12.1 The service delivery arrangements in this report are being delivered within existing resources and are sustainable within the existing resources profile of the Operations Service set out in the Council's Medium Term Financial Strategy.

13. OTHER IMPLICATIONS

13.1 The outlined service delivery arrangements seek to ensure the delivery of an appropriate and equitable balance in the provision of the detailed environmental activities across the District.

14 REASONS FOR THE RECOMMENDED DECISIONS

14.1 The review of the service delivery arrangements detailed in this report gives the Panel the opportunity to appraise the impact of previous scrutiny work and to influence the future development of service delivery arrangements for these key environmental activities.

BACKGROUND PAPERS

Street Cleansing Service Specification – approved by Cabinet on 12th January 2016.

Grounds Maintenance Service Specification – approved by Cabinet on 17th March 2016.

Street Scene Scoping Report – approved by Cabinet on 21st April 2016.

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