

Scrutiny Board (Environment and Neighbourhoods) Inquiry into Street Cleaning

Summary report of the working group meeting held on 24th September 2008.

1.0 Introduction

1.1 A working group of the Board met on 24th September 2008 to consider evidence in line with session one of the Board's Inquiry into Street Cleaning.

1.2 Session one of the Board's Inquiry focused on the following areas:

- Legislation governing street cleaning services, including the National Code of Practice on Litter and Refuse 2006
- Roles and responsibilities of the Council for street cleaning services in Leeds (including the role of the ALMOs)
- Common perceptions around street cleaning services and the measure of success used.

1.3 A report from the Chief Officer for Environmental Services on the above issues was circulated to the working group, along with a copy of the 'Strategic Summary of the Code of Practice on Litter and Refuse 2006'. These are attached to this report for information.

1.4 The following Members and officers attended the working group meeting to discuss the evidence submitted:

- Councillor B Anderson (Chair of the Scrutiny Board)
- Councillor A Blackburn
- Councillor B Cleasby
- Councillor G Hyde
- Councillor L Mulherin
- Angela Brogden (Principal Scrutiny Adviser)
- Andrew Mason (Chief Environmental Services Officer)
- Stephen Smith (Head of Environmental Services)

2.0 Main issues raised

Duties placed upon Leeds City Council

2.1 In terms of relevant legislation, the working group was informed that the Environmental Protection Act 1990 (EPA) imposes a duty under section 89 on land owners and duty bodies to keep specified land clear from litter and refuse. For local authorities, this includes all publicly maintained highways, housing estates, open spaces (including parks) for which they are responsible. It was explained that this duty is not transferable, so where cleaning contractors or Parish Councils are used to carry out the cleaning on behalf of local authorities, it is still the duty body that remains responsible.

- 2.2 The Code of Practice on Litter and Refuse 2006 accompanies the EPA. The main objective of the Code is to provide practical guidance on the discharge of the duties under section 89 of the EPA by establishing reasonable and acceptable standards of cleanliness. Leeds City Council has to abide by, and fully understand the implications of the Code of Practice on Litter and Refuse.

Street cleanliness standards

- 2.3 The working group queried the street cleanliness standards set across the city and sought clarification on who was responsible for setting these standards. It was explained that the Code of Practice defines Grades of Cleanliness which correspond to the Best Value Performance Indicator BV199 for street cleaning. The Grade definitions, along with accompanying illustrations, were provided within the document 'Strategic Summary of the Code of Practice on Litter and Refuse 2006'. In summary, the Grade definitions are as follows:

- Grade A – No litter or refuse. No Detritus.
- Grade B – Predominately free of litter and refuse apart from some small items. Predominately free of detritus apart from some light scattering.
- Grade C – Widespread distribution of litter and/or refuse with minor accumulations. Widespread distribution of detritus with minor accumulations.
- Grade D – Heavily affected by litter and/or refuse with significant accumulations. Heavily affected by detritus with significant accumulations.

- 2.4 The working group was informed that the Code recognises that a grade A cannot be maintained at all times and that it is generally accepted by the public that a grade B is an acceptable level of cleansing for short periods of time. However, a grade A must be achieved on a regular basis after cleansing.

Street cleansing schedules

- 2.5 Whilst the frequency and monitoring of street cleaning services will be addressed in more detail as part of session two of the inquiry, references to the Council's street cleansing schedule were made during the working group meeting. It was noted that whilst most Streetscene Services are delivered on a scheduled basis, the delivery of street cleansing focuses on outputs and therefore schedules are used as a guideline only. Officers and operatives are encouraged to exercise their discretion to determine levels of street cleanliness as this approach allows for greater flexibility within the service to be responsive to specific areas of need.
- 2.6 However, the working group was also informed about intensity zones in relation to minimum cleansing response times. It was noted that litter accumulation and deposition is dependent on numerous factors, with levels of pedestrian traffic and vehicular traffic being the most obvious. Other factors

include the time of year, time of day, the natural and physical features of the location and the presence of structural and physical items that could affect the area to be cleansed.

- 2.7 It was highlighted that the most important factors are the intensity of activity in an area and health and safety limitations. The working group was informed that the revised Code of Practice now reflects these factors and highlights four main intensity zones (High, Medium, Low and Special Circumstances) with corresponding maximum response times. These are set out below:
- *High Intensity of use* are busy public areas such as the city centre. This is to be responded to within ½ day (this means by 6 pm if reported by 1 pm or by 1 pm the next duty day if reported between 1 pm and 6 pm the previous day)
 - *Medium Intensity of use* are everyday areas such as all housing land occupied by people most of the time. This is to be responded to within one day (this means by 6 pm the following evening).
 - Low intensity of use are lightly trafficked areas that do not impact upon most people's lives most of the time such as rural roads. This is responded to within 14 days.
 - Areas with special circumstances include situations where issues of health and safety and reasonableness and practicality are dominant considerations when undertaking environmental maintenance work. For example, carriageways, verges and central reservations of motorways and operational rail land within urban areas. This is to be responded to within 28 days or as soon as reasonably practical.
- 2.8 It was reported that the above response times are set from the time the duty body becomes aware of an issue (for example, through a complaint from the public). The duty body then has a set time limit to restore the area to a Grade A. Duty bodies that allow their land to fall below acceptable standards for longer than the allowed response time may be subject to a Litter Abatement Order or a Litter Abatement Notice under sections 91 and 92 of the EPA.
- 2.9 The working group also raised the issue about street cleansing schedules being out of synch with grass cutting and refuse collection services. However, it was highlighted that such an approach would demand a more frequent cleansing schedule, which would prove to be resource intensive. It was highlighted again that the current system does allow for greater flexibility within the service to be responsive to specific areas of need.
- 2.10 However, the working group had noted that the Council's current cleansing schedule was formulated using historical data and therefore it was suggested that a review of the schedule be conducted to ensure that correct minimum cleansing frequencies are being set across the city. This is to be discussed further in session two of the Inquiry.

Roles and responsibilities for street cleaning services

- 2.11 The working group noted that whilst Leeds City Council is the responsible body, as defined within the Code of Practice, historically this responsibility has been delegated to a number of different departments who have been vested with the responsibility to look after individual areas of land. For example, Parks and Countryside are responsible for all parks and open spaces over 0.2 hectares in size; Education Leeds is responsible for all school grounds and associated land; the ALMOs are responsible for all land forming part Leeds City Council's housing stock; Highways Services have the statutory responsibility for maintaining the adopted highway across Leeds in a safe and clean condition; and Streetscene Services is responsible for keeping clean all adopted Highways as notified by Highway Services.
- 2.12 The working group queried whether the different departments were aware of the duties and implications of the EPA and Code of Practice. Whilst noting that the Council's Environmental Enforcement Team, in conjunction with Streetscene Services, had previously carried out briefing sessions with other responsible departments to make them aware of the EPA and Code of Practice, the working group suggested that it was worth reminding departments again of their duties.
- 2.13 It was highlighted that Streetscene Services is often the first point of contact for people who complain about environmental cleanliness of Council land that is not obviously associated with other departments. Whilst the public would generally contact Parks and Countryside regarding issues relating to parks and similarly with school grounds, they would contact the relevant school or Education Leeds, the perception with ALMO land was that it forms part of the Highway and therefore complaints are often directed to Streetscene Services.
- 2.14 It was noted that a definitive list of ALMO footpaths and hard surfaced areas does not appear to have ever been produced, which was one of the main reasons for the confusion.
- 2.15 The working group agreed that the current arrangements are confusing, particularly in relation to the Streetscene/ALMO responsibilities. In view of this, the working group questioned whether it would be more sensible for one department to have the budget for street cleaning and become the responsible lead to undertake the Council's duty to keep the city clean. This would then simplify the process and prevent any further confusion to the public.
- 2.16 It was acknowledged that ALMO representatives have been invited to contribute to the Board's inquiry. This will provide an opportunity for them to discuss their responsibilities for street cleaning with the Board and identify any challenges they face in delivering this duty.
- 2.17 The working group received a brief description of the individual functions

carried out by Streetscene Services. These functions included gully cleansing; litter bins; street sweeping; manual litter picking; street washing; fly tipping removal; gully cleaning; grounds maintenance; graffiti removal; needle picking; public convenience cleaning; and leaf clearing. The working group discussed each of the different functions separately.

- 2.18 Particular reference was made to gully cleaning. It was noted that this service has become an important part of the Council's flood plan to alleviate the impact of flooding. It was reported that all highway gullies across the city are scheduled to be cleaned once every eight months. In addition, a 'wet spot' list has been compiled in conjunction with Highways Services and the gullies in these locations are serviced at least every three months. However, the working group agreed that such areas could be reviewed again given that they are based on historical data.
- 2.19 Complaints of dog fouling was another main issue raised by the working group, with enforcement being a key area of concern. However, it was acknowledged that this matter would be considered in more detail during session two of the inquiry. Fly tipping was also identified as a key service and it was acknowledged that improvements had been made in addressing fly tipping hot spots across the city and that the numbers of successful prosecutions had increased.
- 2.20 In addition to its functions, the working group learned that at a local level, the Streetscene area managers also provide valuable support and assistance to various 'In Bloom' groups. However, it was noted that there is no budget or resource allocation to assist such groups and any support is provided through the scheduled Streetscene resources.
- 2.21 The working group also noted the role of the Intensive Neighbourhood Management programme. This programme helps focus on the improvement of existing public services in the most deprived communities in the city. It also helps provide new services that will address needs that have been identified in these areas.

Performance management and measures of success

- 2.22 Streetscene Services has a number of national and local performance indicators against which the service delivery is measured. However, it was highlighted that BV199 (now NI195) is the best value performance indicator used to measure environmental cleanliness. There are three measures within BV199 covering litter and detritus, graffiti and fly tipping. The working group learned that the data for this indicator is based on surveys carried out three times per year covering five electoral wards on each visit and assessing twelve land use areas.
- 2.23 It was noted that BV199 measures the percentage of unacceptable sites across the city and therefore a low number was indicating a good result. The working group acknowledged that the Council's current performance is 13%, which is considered good for a city the size of Leeds.

- 2.24 It was highlighted that all managers are trained in BV199 assessment and that operatives are also put through a BV199 awareness training course so that they are aware of the standard the Council is trying to achieve. The working group suggested that this training should form part of the induction programme for operatives and the Chief Environmental Services Officer acknowledged this as a good approach to take.
- 2.25 The working group also discussed the need to engage with communities. It was reported that in the past, the department has commissioned ENCAMS to conduct training with community groups to enable them to make assessments and work with ENCAMS to come back to Leeds City Council with outcomes and actions. However, the department found that there was little interest expressed by community groups for such training. The working group suggested that this approach should also be directed at town and parish councils. It was noted that methods of engaging communities was an issue for further discussion during session two of the Inquiry.
- 2.26 It was explained to the working group that whilst the baseline figure for street cleaning performance is robust, the key challenge is with residents accepting this figure as fact.
- 2.27 It was stressed to the working group again that the Streetscene Service is judged purely on outcomes in terms of performance measures and not inputs. However, many residents judge the effectiveness of the service on what they see on the streets and not necessarily on the outcomes achieved.
- 2.28 The working group requested that in preparation for session two of the inquiry, Members are provided with a greater understanding of the Council's baseline figure for street cleansing.



Report of: The Chief Officer for Environmental Services

Meeting: Scrutiny Board (Environment and Neighbourhoods) – Inquiry Working Group

Date of meeting: 24th September 2008

SUBJECT: Inquiry Into Street Cleaning

This report is for;

Discussion only

Information only

Advice/consideration
prior to taking a key
decision

Decision to be taken by:

Full council

Corporate governance and audit
committee

Executive board

Standards committee

Area committee

Member management committee

Regulatory committee

A director using delegated
authority

1.0 Purpose of Report

1.1 To provide members of the working group with information relating to the following areas:

- Legislation governing street cleaning services, including the National Code of Practice on Litter and Refuse 2006.
- Roles and responsibilities of the Council for street cleaning services in Leeds (including the role of the ALMOs)
- Common perceptions around street cleaning services and the measure of success used.
- Details of current Service delivery arrangements

2.0 Background

Street Cleaning

2.1 Streetscene Services was formed in 2004 as part of the Closer Working: Better Services restructure and since then has been the focus of continuous

improvement activity. It brought together those services that have a direct impact on environmental quality. Street cleansing, refuse collection, public conveniences cleansing, needle picking and graffiti removal, and the operation element of waste management are all part of the service. In February 2005, Streetscene Services was also given the contract administration responsibility for the grounds maintenance contract. In April 2006 the development and implementation of the Intensive Neighbourhood Management initiative gave a much needed boost to the most deprived areas within the inner city.

- 2.2 Most Streetscene Services are delivered on a scheduled basis although the delivery of street cleansing focuses on outputs using schedules as a guideline only. For example streets are swept mechanically either daily, weekly two weekly, three weekly or six weekly depending on the needs of the area. Gullies are scheduled to be cleaned either every eight months although some high risk areas receive a three monthly service. This approach allows flexibility within the service to be responsive to specific area needs but also ensuring a consistent standard of environmental quality city wide.
- 2.3 Leaf clearing and gully cleaning services have also delivered significant improvements over the past three years and both make a major contribution to the overall improvements in environmental quality. In particular the gully cleaning service has become an important part of the Council's flood plan to alleviate the impact of flooding.

3.0 Legislation Governing Street Cleaning Services

- 3.1 The Environmental Protection Act 190 (EPA) imposes a duty under section 89(1) and (2) on land owners and duty bodies to keep specified land clear from litter and refuse. For local authorities, this includes all publicly maintained highways, housing estates, open spaces (including parks) for which they are responsible.
- 3.2 Within Leeds City Council this responsibility has historically been delegated to a number of different departments who have been vested with the responsibility to look after individual areas of land. For example Parks and Countryside are responsible for all parks and open spaces over 0.2 hectares in size. Similarly the ALMOs are responsible for all land forming part LCC's housing stock. Highway Services have the statutory responsibility for maintaining the adopted highway across Leeds in a safe and clean condition. Streetscene Services carry out the cleaning function on behalf of Highways Services.
- 3.3 The EPA identifies a number of duty bodies and the code of practice seeks to encourage them to maintain their land within acceptable cleansing standards. A full explanation of the duty bodies and their responsibilities is outlined in the document 'Strategic Summary of the Code of Practice on Litter and Refuse 2006'.

- 3.4 The duty bodies briefly comprise of,
- Local Authorities
 - Designated Statutory Undertakers
 - Governing Bodies of Designated Education Establishments
 - The Secretary of State
 - Appropriate Crown Authorities
- 3.5 The Council also has additional powers over other duty bodies to enforce the requirements for them to comply with the code of practice. The document 'Strategic Summary of the Code of Practice on Litter and Refuse 2006' also gives details of the grade of cleanliness in the code of practice, the zones and response times to restore cleanliness levels.
- 3.6 The Code of Practice on Litter and Refuse – this code of practice accompanied the EPA and its main objective is to provide practical guidance on the discharge of duties under section 89 of the EPA by establishing reasonable and acceptable standards of cleanliness which those with responsibility under the duty should follow and be capable of meeting. When introduced in 1991 the code was radical in its approach with an emphasis on the consistent management of areas to keep them clean rather than how often they are cleaned.
- 3.7 The Duty placed on LCC is to ensure that all land that it controls is, so far as is practicable, kept clear of litter and refuse. The Council has to fully understand and abide by the Code Of Practice.
- 3.8 The duty is not transferable, so where cleaning contractors or Parish Councils, for example, are used to carry out the cleaning on its behalf the duty body, in this case LCC, still remains responsible.
- 3.9 The Environmental Enforcement team in conjunction with Streetscene Services carried out briefing sessions with other responsible departments to make them aware of the Council's duty under the EPA and Code of Practice.

4.0 Roles and Responsibilities

- 4.1 As defined within the Code of Practice the Leeds City Council is a responsible body and therefore responsible for maintaining all of its land to an acceptable standard. Within the council structure the responsibility for different areas of land across the district has been vested to individual service areas.
- 4.2 Parks and Countryside have responsibility for all parks and open spaces that have a recreational or amenity value.

Education Leeds – all school grounds and associated land.

All other Council land is vested to individual services and usually only becomes a problem when environmental crime issues are identified.

- 4.3 The three ALMOs are responsible for all land identified as part of the Council's housing stock. In terms of environmental quality this relates to ensuring that all land is kept litter and rubbish free and well maintained. This includes sweeping footpaths and other hard surfaced areas, litter picking and the removal of fly-tipping. The individual ALMOs employ their own staff to carry out this function and different arrangements appear to exist in each ALMO.
- 4.4 Streetscene Services is responsible for keeping clean all adopted Highways as notified by Highway services. In terms of the services currently provided by streetscene below is a brief description of the individual functions carried out.

Streetscene Cleansing Services – Current Provision

- 4.5 *Gully Cleansing* - To carry out routine servicing of gullies in order to make sure that the surface water drainage system is maintained in a working condition.
- 4.6 *Litter bins (on programmed frequency)* - To collect and dispose of waste from litterbins and operate the maintenance of litter bins and liners, where appropriate. Currently there are over 4500 litter bins across the city.
- 4.7 *Street Sweeping* - the street cleansing service is completed by a mechanical and manual sweeps on both carriageways and footways. The service operates around a schedule covering all areas of the city. Sweeping removes litter, detritus and dead weeds The schedule is used as a guideline with the emphasis now on output rather than input.
- 4.8 *Manual Litter Picking* - Litter picking is used across the city in appropriate situations to supplement the mechanical street sweeping function.(for example, where a mechanical sweeper is insufficient or too cumbersome to operate efficiently).
- 4.9 *Street Washing* – The streets within the city centre receive a scheduled street washing service. Power washes target spillages and areas of known heavy footfall / usage.
- 4.10 *Fly tipping removal* – Fly tipping on the public highway is reported by the public or discovered by crews and removed accordingly or passed on to relevant agencies. Enforcement action is usually taken where evidence is available.
- 4.11 *Gully Cleaning* - Current provision allows gullies to be emptied and cleansed every 8 months to remove the build up of leaf and blossom fall, silt and detritus. Wetspot gullies, ie those in areas that are prone to flooding or ponding, are done every three months. Damaged gullies are reported to Highways Services for further inspection and remedial action.

- 4.12 *Grounds Maintenance* – Streetscene Services has the contact administration responsibility for the grounds maintenance contract on behalf of the three ALMOs and Highways services. The grounds maintenance contract covers grass cutting, hedge maintenance and shrub/rose bed maintenance.
- 4.13 *Graffiti Removal* – six teams are deployed across the city to remove graffiti primarily from Council property but also provides a service to private property especially in response to the removal of racist and offensive graffiti. Offensive/racist graffiti is removed within 24 hours and other within 10 days.
- 4.14 *Needle Picking* – Streetscene Services has one dedicated team responsible for the removal and disposal of discarded hypodermic needles and syringes. The work closely with Community Safety and West Yorkshire Police.
- 4.15 *Public Convenience Cleaning* – Streetscene Services clean and maintain the Council's public conveniences across the city. This involves providing a scheduled cleaning service and opening and closing those pc that have that facility. The strategic responsibility for public conveniences has been delegated to the Area Management Committees.
- 4.16 *Leaf Clearing* – additional resources are employed to remove leaf fall from the highway as quickly as possible. The leaf clearing programme usually spans a twelve week period between September and December the start and finish dates being determined by weather conditions. All leaf fall collected is sent for composting.

INTENSIVE NEIGHBOURHOOD MANAGEMENT (INM)

- 4.17 The INM programme helps focus on the improvement of existing public services in the most deprived communities in the city. It also helps provide new services that will address needs that have been identified in these areas.
- 4.18 Between April and June 2006, Environmental Pride Teams were recruited, trained and deployed in each of the five wedges within the city. These teams have received a detailed seven week training programme to equip them with relevant skills and techniques to deliver high quality visible improvements in the communities in which they work. The teams undertake tasks such as graffiti removal, minor construction works, horticultural works and intensive cleaning; leaving each street at a grade 'A' level.
- 4.19 The INM programme was set up using NRF and SSCF funding. As well as supporting the Environmental Pride Teams, the funding also secured extra enforcement officers, partnership officers (to work directly with businesses and Duty Bodies and extra graffiti removal resources.

ALMO/Streetscene Responsibility

- 4.20 Clearly this is an issue and the lack of understanding on behalf of residents, members and Council/ALMO officers only adds to the confusion. There are several factors that have contributed to this confusion:
- In the 'old housing days' Cleansing Services provide cleaning services to many housing estates on an internal recharge basis. Under the new ALMOs this service was not continued
 - Within many of the ALMO estates there is a combination of adopted highways and others footpaths and hard surfaced areas vested to the ALMOs
 - A definitive list of ALMO footpaths and hard surfaced areas does not appear to have ever been produced
 - From the residents point of view it is all 'Council' land.
 - Similarly, from an EPA perspective, it is a 'Council' responsibility
 - The INM initiative blurred the boundaries in the SOA's
- 4.21 Streetscene Services is often the first point of contact for people who complain about environmental cleanliness of Council land that is not obviously associated with other departments. For example people generally contact Parks and Countryside regarding issues relating to parks and similarly with school grounds they contact the school or Education Leeds. However the general perception with ALMO land appears to be that it forms part of the Highway and in most instances the complaints are directed to Streetscene Services. The result is often a time consuming investigation by Streetscene Officers before engaging ALMO staff to have the problem resolved. In addition, in the interests of joined up services, Streetscene Services often make significant contributions in terms of resources to ALMO clean ups.

5.0 Streetscene Services Performance

- 5.1 Streetscene Services has a number of national and local performance indicators against which service delivery is measured. These indicators are published and are subject to an annual scrutiny by the Audit Commission to ensure that they are robust. These performance indicators allow a consistent measure of how well the service is performing.

BV199 / NI 195

- 5.2 BV199 (now NI195) is the best value performance indicator used to measure environmental cleanliness. There are three measures within BV199 covering litter and detritus (BV199a), Graffiti (BV199b) and fly-posting (BV199c) and the surveys are carried out three times per year covering five electoral wards on each visit and assessing twelve land use areas.
- 5.3 Leeds has achieved a significant improvement in the level of cleanliness (both litter and detritus) across the city in recent years. BV199a results highlight the level of the authority's performance improvement.

- 5.4 The BV199a result states the percentage of streets across Leeds that were found to be in an unsatisfactory condition, therefore the lower the result the better the performance.

2003/04 – 31.2%

2004/05 – 27.05%

2005/06 – 20%

2006/07 – 17.3%

2007/08 – 13%

- 5.5 The table below shows how Leeds performs against other comparable Core Cities in terms of BV199 and cost (spend per head of population). All of the better performing authorities have a higher spend for environmental cleaning.

2007/08	Spend per head of population	BVPI 199a	BVPI 199b	BVPI 199c
Leeds	£14.24	13%	5%	1%
Birmingham	£17.96	10%	19%	1%
Bristol	£13.14	13%	8%	2%
Liverpool	£26.31	7%	8%	1%
Manchester	£23.31	8%	1%	0%
Newcastle	£28.94	16%	22%	7%
Nottingham	£16.98	8%	13%	1%
Sheffield	£12.55	16%	19%	2%

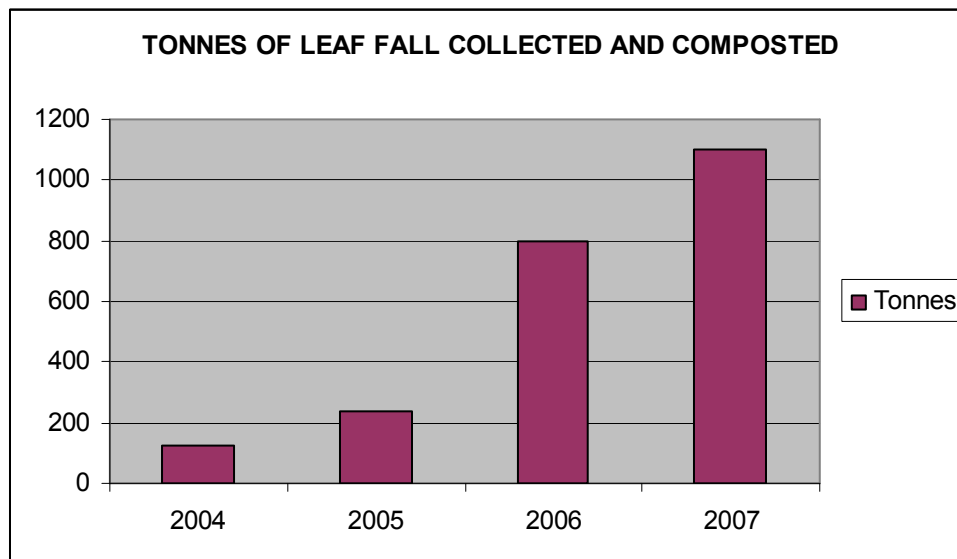
INM Performance

- 5.6 BV199 surveys were also performed on the 31 most deprived Super Output Areas (SOA) in Leeds from December 2005 to March 2006 to establish a baseline of cleanliness standards in these areas. Overall, the average rating across the SOA's showed that 29% of sites had unacceptable levels of litter and detritus.
- 5.7 Further surveys were performed between December 2006 and March 2007 to assess the changes that had taken place over the 12 month period. Overall, the average rating across the SOA's showed that 14% of sites had unacceptable levels of litter and detritus; a significant improvement on the previous year.

Leaf Clearing

- 5.8 The tonnages collected during the leafing season have exponentially

increased over the last 4 years. This is due to a changing from a reactive leaf fall service to a proactive leafing regime. It is also influenced by climate conditions as described above. The leafing period is between September and December.



Gully Cleaning.

- 5.9 There are currently no performance indicators available to measure gully cleansing performance either national or local. Currently performance is monitored by the route information provided by the crews. Each crew is provided with a daily/weekly route sheet which is used to record gullies that have been serviced and any defective gullies. All highway gullies across the city are scheduled to be cleaned once every eight months. In addition a 'wet spot' list has been compiled in conjunction with Highways Services Highways, and the gullies in these locations are serviced at least every three months. Highways Services are currently carrying out a full audit of the highway gullies which will ensure that the route information issued to crews is accurate and up to date. Details of flooding related incidents that are responded to by the crews are recorded.

Other Indicators of Performance

Leeds City Council Annual Survey

- 5.10 The annual survey was conducted in June 07 and took a representative sample from across the city. On the question of street cleansing 79% of the respondents claimed that the general cleanliness of their streets had either improved or remained the same.
- 5.11 The national statutory user satisfaction survey in 2006/07 highlighted that 63.5% of people in Leeds were satisfied that land and highways were clear of litter and refuse. This placed Leeds above the metropolitan authority average of 60.9%

CPA Inspections

- 5.12 Following the CPA inspection in November 2007 the feedback from the inspectors included a comment on how impressed they were with how clean Leeds is for a city of this size.

Britain In Bloom

- 5.13 Following the success of previous years, Leeds was once again at the forefront of Britain in Bloom and Yorkshire in Bloom. At a local level the Streetscene area managers provide valuable support and assistance to the various 'In Bloom' groups. There is no budget or resource allocation to assist the 'In Bloom' groups and any support is provided through the scheduled Streetscene resources.

6.0 Performance v Perception

- 6.1 In terms of environmental cleanliness, Streetscene Services is faced with a dilemma. On the one hand residents want the confidence of knowing when and how often they will receive their cleaning services. Most make a strong correlation between Council Tax payments and service delivery. On the other hand, Streetscene Services is measure by its outcomes and not inputs. Many residents judge the effectiveness of the service on what they see on the streets and not necessarily on the outcomes achieved. Streetscene are judged purely on outcomes in terms of performance measures.
- 6.2 The current resource levels within Streetscene services were established on a very rigid input based approach to the delivery of street cleaning. To ensure that both opposing views are satisfied the service tries to apply a flexible approach to service delivery, using service delivery schedules as a guideline but responding where necessary to particular area needs.

Strategic Summary of the Code of Practice on Litter and Refuse 2006

1. Introduction

The quality of the local environment, that is, the appearance of an area, and the way that people perceive it, comes down to good, effective management. In order to know what resources should be deployed and when, accurate and systematic monitoring is needed. This enables duty bodies to identify when and where the greatest litter problems are likely to occur, and to put into place procedures to ensure that these do not build up and that acceptable standards are maintained.

The country is made up of a patchwork of abutting areas of land owned, tenanted and managed by a myriad of public and private agencies and individuals. Unmanaged litter and refuse blows, moves or flows from our land onto the land of others, and theirs onto ours. This document (based on the Code of Practice on Litter and Refuse) is encouraging good land management through the awareness of circumstances that will lead to increased litter and refuse at particular times. It also encourages partnership working with relevant land managers within the City of Leeds.

Government does not expect that implementation of this Code will demand additional expenditure on the part of a duty body, but believes that better standards can be achieved within the existing levels of expenditure by deploying suitable resources at appropriate times and combining this with education and enforcement.

The Environmental Protection Act 1990 (EPA) imposes a duty under section 89(1)&(2) on land owners and duty bodies to keep specified land clear from litter and refuse. For local authorities, this includes all publicly maintainable highways, housing estates, open spaces (including parks) for which they are responsible.

The main objective for the code is to provide practical guidance on the discharge of the duties under section 89 of the EPA by establishing reasonable and acceptable standards of cleanliness which those under the duty should be capable of meeting.

The code seeks to encourage duty bodies to maintain their land within the acceptable cleansing standards. There is an emphasis on the consistent management of an area to *keep it clean*, not how often it is cleaned.

2. Background

This is the third Code of Practice on Litter and Refuse. First published in 1991 in accordance with the EPA 1990, substituted in 1999 by the Department for Environment, Transport and the Regions (DETR). The first 2 codes applied to England, Scotland and Wales. The latest code applies only to England.

Where there is a failure to meet the requirements of the code by a duty body, the code is admissible in evidence at court proceedings.

Good Practice to assist land managers in the discharge of this duty is available through www.cleanersaferegreener.gov.uk

As part of BV199, local authorities have to report data in relation to litter and detritus levels in the city. Ultimately, an adverse score can affect our final Comprehensive Performance Assessment (CPA) score

3. The Duty

- 3.1 Leeds City Council is under a duty under section 89(1) of the EPA 1990 **to ensure that land it controls is, so far as is practicable, kept clear of litter and refuse.** The Council has to abide by, and fully understand the implications of The Code of Practice on Litter and Refuse.
- 3.2 Section 89(2) of the EPA 1990 places a further duty on the Secretary of State in respect to motorways and other similar public highways, and on local authorities for all publicly maintainable highways in their area **to ensure that the highway or road is, so far as is practicable, kept clean.**
- 3.3 This additional requirement includes the removal of detritus (full definitions are provided in section 11) as well as litter and refuse. The removal of detritus is only practicable on metalled surfaces.
- 3.4 It is recommended, but not a duty, that detritus is removed from all hard surfaces.
- 3.5 The duty only affects 'relevant land'. The definition differs slightly for each duty body, but in general, it is land which is open to the air, under the direct control of the duty body, and which the public have access to (with or without payment). Relevant land does not include privately maintained or un-adopted roads. Full Definitions are provided in section 10.
- 3.6 The duty affects the following bodies. Full Definitions are provided in section 11.
- 3.7 The duty is non-transferable. If a duty body contracts a private company or agency, for example, a cleansing contractor or parish council, to carry out cleansing on its behalf, the duty body remains responsible. This also applies to Business Improvement Districts.
- 3.8 Previously, the duties also related to land within a Litter Control Area (section 90, EPA). The Clean Neighborhoods and Environment Act repealed this section and instead a Litter Clearing Notice may be served under section

92(A) of the 1990 Act on any land, requiring the occupier or, if unoccupied, the owner, to clear the land of litter and take steps to prevent its reoccurrence of littering.

Duty Body	Brief Description of land
Principal Litter Authorities	<i>Local Authority open land (not roads)</i>
Local Authorities in respect to any relevant highways for which they are responsible	<i>All roads except motorways, trunk roads and designated special roads</i>
Designated Statutory Undertakers	<i>Organisations such as Network Rail and British Waterways</i>
Governing Bodies of Designated Educational Institutions	<i>Universities, Colleges, Schools</i>
The Secretary of State with respects to any relevant highway for which he is responsible	<i>Motorways and trunk roads</i>
Appropriate Crown Authorities	<i>Crown Land such as Ministry of Defense Land (only if the public have access)</i>

- 3.9 Relevant land for duty bodies is land which the public have access to with or without payment. There is also the possibility to extend relevant land to cover areas where the public have no access. This relates to land such as railway embankments which are highly visible and prone to litter.

4. Grades of Cleanliness

- 4.1 The grades correspond to the BV199 performance indicator for street cleansing.
- 4.2 It is recognized that a grade A cannot be maintained at all times. It is generally accepted by the public that a grade B is an acceptable level of cleansing for short periods of time. A grade A must be achieved on a regular basis after cleansing.
- 4.3 For certain surfaces, it may not be practicable to remove all items of litter. It would be acceptable to achieve a grade B after cleansing on certain softer surfaces such as grass or sand. Other caveats may include cobbled surfaces.
- 4.4 The following grades of cleanliness are based on the original Code of Practice issued under section 87(7) of the EPA 1990.

GRADE	Litter and Refuse	Detritus
A	<i>No litter or refuse</i>	<i>No Detritus</i>
B	<i>Predominantly free of litter and refuse apart from some small items</i>	<i>Predominantly free of detritus apart from some light scattering</i>
C	<i>Widespread distribution of litter and/or refuse with minor accumulations</i>	<i>Widespread distribution of detritus with minor accumulations</i>
D	<i>Heavily affected by litter and/or refuse with significant accumulations</i>	<i>Heavily affected by detritus with significant accumulations</i>

Illustrations are in appendix 1

5. Zones

- 5.1 Litter accumulation and deposition is dependant on numerous factors. Levels of pedestrian traffic and vehicular traffic are the most obvious. Other factors could include – the time of year, time of day, the natural and physical features of the location, health and safety limitations, the nature of the surface of the terrain, and the presence of structural and physical items that could affect the area to be cleansed (such as street furniture and 'A' boards). All of these should be taken into account when analysing a cleansing strategy.
- 5.2 However, the most important factors are the intensity of activity in an area, and health and safety limitations. As such, the revised code reflects these factors.
- 5.3 The original code of practice had 12 land-uses. After consultation with duty bodies across the country, this has been reduced to just 4 main intensity zones.

High Intensity of use	Medium Intensity of use	Low intensity of use	Special circumstances
<p>½ day</p> <p>This means by 6pm if reported by 1pm or by 1pm the next duty day if reported between 1pm and 6pm the previous day</p>	<p>1 day</p> <p>This means by 6pm the following evening</p>	<p>14 days</p>	<p>28 days or as soon as reasonably practical</p>

- 5.4 Leeds City Council has zoned all relevant land in 2 formats. BV199 land-uses are available for monitoring purposes; 'Intensity of use' land-uses are available for the purposes of this code.
- 5.5 'High Intensity of use' are busy public areas such as the city centre
- 5.6 'Medium intensity of use' are everyday areas such as all housing land occupied by people most of the time
- 5.7 'Low intensity of use' are lightly trafficked areas that do not impact upon most peoples lives most of the time such as rural roads.
- 5.8 The above response times are set from the time the duty body becomes aware of an issue (for example, through a complaint from the public). The duty body then has a set time limit to restore the area to a Grade A.
- 5.9 Areas with special circumstances include situations where issues of health and safety and reasonableness and practicality are dominant considerations when undertaking environmental maintenance work. For example, carriageways, verges and central reservations of motorways, and operational rail land within urban areas.

6. Timings

- 6.1 Duty bodies are 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. In some areas, these standards can be effectively maintained during daylight hours. However, in others longer hours of management are required, for example, in town and city centres. If the standard in high intensity areas should fall to an unacceptable level during the evening, it should be restored to grade A by 8am. Good practice would be that grade A is achieved earlier, by the time the area begins to get busy. This applies to weekends and bank holidays as well as weekdays.
- 6.2 Duty Bodies that allow their land to fall below acceptable standards for longer than the allowed response time may be subject to a Litter Abatement Order (Section 91 EPA) or a Litter Abatement Notice (Section 92 EPA).
- 6.3 There will be circumstances where managers may have to respond much quicker than the maximum response time. These could include drugs related litter (especially if found on playground/play areas). It is recommended that duty bodies respond to drugs related litter within 3 hours.
- 6.4 Material that is potentially hazardous to health (such as food waste) should be removed as soon as possible.

7. Practical Issues

- 7.1 There is a caveat in the litter duty concerning practicability. On certain occasions, circumstances may render it impracticable to discharge the duty. It is for the courts to decide whether or not it is impracticable to discharge the duty. Examples where it may be impracticable include – health and safety considerations, severe weather conditions, special events, avoiding damage to sensitive areas (natural habitats etc), and where advanced notice to clear traffic etc. is required.

8. Advisory Standards on Graffiti and Fly-posting

- 8.1 This section is only intended to be advisory, however, it is recommended that Local Authorities and other duty bodies seek to manage these problems and work together to achieve an acceptable standard of cleanliness (as perceived by the public) across all types of land, regardless of ownership.
- 8.2 Local Authorities should always remove graffiti and fly-posting from all public property and work with private property owners to seek the removal of graffiti and fly-posting to the standards set out in the Code. Grade descriptions are in appendix 1.
- 8.3 As well as litter and detritus, government requires authorities to submit data through BV199 on graffiti and fly-posting.
- 8.4 Acceptable standards for graffiti and fly-posting are grade B and above. Wherever possible, they should be removed completely to an A grade standard.

9. Duty Bodies within Leeds City Council –

- Principal Litter Authority – Leeds City Council
- Highways (not motorways/trunk road) – Leeds City Council
- Highways (motorways and Trunk roads) – Highways Agency
- Crown Land (Government land etc) – see appendix 2
- Statutory Undertakers – see appendix 2
- Educational Establishments – See appendix 2

10 Conclusions and recommendations

- 10.1 Combined consultation with all duty bodies in Leeds is crucial to decide and agree upon zones, and to convey fully the duty imposed upon us all.
- 10.2 It is recommended that the agreed zones form part of Leeds City Council's Communication Strategy.
- 10.3 Both the public and businesses have a vital role to play in ensuring that local authorities and other duty bodies adhere to this code. The public need to know that they can (and how to) complain about litter. To achieve this, a step-by-step guide should be produced and made available through independent organisations such as Defra, Encams and the Citizen's Advice Bureau

11 Definitions

The 1990 Act does not provide a comprehensive definition of litter or refuse, although the courts have considered the definition to be wide. The following definitions are common definitions usually used in cleansing contracts.

- **Litter**
 - Litter is 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. As a guideline, a single sack of rubbish should be considered fly-tipping rather than litter.
 - Under section 98(5A) of the EPA, certain discarded smoking-related materials, and discarded chewing gum and the remains of other products designed for chewing, are specifically stated to be items of litter. However, trodden-in chewing gum does not apply.
- **Refuse**
 - Refuse should be regarded as having the ordinary meaning of waste or rubbish, including household and commercial waste, and can include fly-tipped waste. On certain land uses, dog fouling can be described as refuse.
- **Detritus**
 - Detritus comprises of small broken down particles of synthetic and natural materials. Detritus includes dust, mud, soil, grit, gravel, stones, rotted leaf and blossom remains, fragments of twig, glass, plastic and other finely divided material. A significant source of detritus is uncollected grass cuttings and weed remnants.

- **Duty Bodies**

- **Principal Litter Authority** – In England the following are Principal Litter Authorities:
 - *County councils*
 - *District councils*
 - *London borough councils*
 - *the Common Council of the City of London*
 - *the Council of the Isles of Scilly*
 - These responsibilities also fall on Unitary Authorities within the terms of the Local Government Act 1972. The Secretary of State has the power to designate other Local Authorities as principal litter authorities.
- **Local Authority with regards to relevant highways** – In England this applies to the same local authorities as a principal litter authority, bar County Councils.
- **The Secretary of State with respects to relevant highways for which he is responsible** – in practice, the responsibilities of the Secretary of State are excised by the Highways Agency.
- **Crown Authority with respects to relevant Crown land** - This is land occupied by the Crown Estate Commissioners as part of the Crown Estate, or land occupied by naval, military or air force purposes, or land occupied or managed by any body acting on the behalf of the Crown.
- **Designated Statutory Undertakers** –In summary they comprise most transport related functions - rail and tram operators (including London Underground, Metro and light rail), anyone authorized to carry out road transport operations (other than taxi and hire car), inland waterways and port operators and airport operators. Also include harbour and pier operations.
- **Governing Bodies of Designated Educational Institutions** – This include any university funded by the Universities Funding Council, the Open University, any school or college that is wholly or mainly dependant on public funds (SI 19991 No.156)

- **Relevant Land**
 - ***Principal Litter Authority –***
 - Land must be under ‘direct control’ of the Principal Litter Authority
 - Must be open to the air on at least 1 side
 - Public are entitled to access with or without payment
 - ***Local Authority with regards to relevant highways –***
 - A highway is relevant land if it is maintainable at public expense
 - Not a trunk road, motorway or special road as defined in the Highways Act 1980
 - Public are entitled to access with or without payment
 - ***The Secretary of State with respects to relevant highways for which he is responsible***
 - Motorways and Trunk roads
 - Special roads as prescribed by the Secretary of State
 - Public are entitled to access with or without payment
 - ***Crown Authority with respects to relevant Crown land***
 - Open to the air
 - Not a highway
 - Public are entitled to access with or without payment
 - ***Designated Statutory Undertakers –***
 - Land under ‘direct control’ of the statutory undertaker
 - Public are entitled to access with or without payment – also extend to land which the public may not have access to but are highly visible, such as railway embankments.
 - ***Governing Bodies of Designated Educational Institutions***
 - Land under ‘direct control’ of the designated institution
 - Open to the air
 - Irrelevant if the public have access or not with or without payment

Appendix 1 – Litter and Detritus grade illustrations

Set A: litter and refuse in both relevant highway and hard surface setting

Set B: litter and refuse in a soft surface setting

 <p>Grade A No litter or refuse</p>	 <p>Grade C Widespread distribution of litter and/or refuse with minor accumulations</p>	 <p>Grade A No litter or refuse</p>
 <p>Grade B Predominately free of litter and refuse apart from some small items</p>	 <p>Grade D Heavily affected by litter and/or refuse with significant accumulations</p>	 <p>Grade B Predominately free of litter and refuse apart from some small items</p>

Set C: principles of detritus grading in a relevant highway setting

 <p>Grade C Widespread distribution of litter and/or refuse with minor accumulations</p>	 <p>Grade A No detritus</p>	 <p>Grade C Widespread distribution of detritus with minor accumulations</p>
 <p>Grade D Heavily affected by litter and/or refuse with significant accumulations</p>	 <p>Grade B Predominantly free of detritus except for some light scattering</p>	 <p>Grade D Heavily affected by detritus with significant accumulations</p>

Graffiti and Fly-posting Grades

Grade A	The local environment is completely free of graffiti.	Grade A	The local environment is completely free from fly-posting.
Grade B	Some graffiti is present, but it is minor in extent, and many people passing through the local environment would not notice it.	Grade B	Some fly-posting is present, but it is minor in nature and it is likely that many people would not notice its presence.
Grade C	Graffiti is present to the extent that it would be clearly visible to people passing through the local environment, and visible at a distance from at least one end of the 50m transect ² .	Grade C	Fly-posting is present in the local environment to the extent that it is likely to be clearly visible to people using the area, and visible at a distance from at least one end of a 50m transect.
Grade D	Graffiti is extensive over a large part of a 50m transect and is likely to be clearly visible and obtrusive to people passing through the local environment, and visible from any point on the transect.	Grade D	Fly-posting is extensive throughout much of the local environment and is clearly visible and obtrusive to people passing through the street scene, and visible from any point on a 50m transect.

Appendix 2 – Duty bodies in Leeds

Crown Land (Government land etc)

- Prisons (exterior)
- MoD Land (exterior to which the public have access)
- Government Buildings (mainly exterior publicly accessible land)
 - Dept. of Health
 - Dept. of Education
 - Dept of Social Security
 - DVLA
 - Inland Revenue
 - Patents office
 - Passport Agency
 - Customs and Excise
 - Dept. of Trade and Industry
 - Government Office for Yorkshire and the Humber
 - Home Office
 - Ofstead
 - Immigration and appeals
 - Probation Services
 - Defra

Statutory Undertakers

- British Waterways
- Network Rail and equivalent train operating companies
- Metro
- Leeds/Bradford Airport

Educational Establishments

- All schools
- Leeds University and Leeds Met. University
- All Further Education Establishments

Appendix 3 – Litter Abatement Notices

LITTER ABATEMENT ORDERS

Making a complaint about litter and refuse – Litter Abatement Orders and Summary Proceedings for Persons Aggrieved by Litter

In the first instance, a complaint about a litter problem may be made by telephone or in writing to the local authority being specific about location, type and amount of litter. Some local authorities have litter “hotlines” and should be able to respond quickly to complaints. Within the council, litter complaints are usually dealt with by Environmental Services for all council-owned land except public open spaces (parks etc).

If this fails to resolve the problem, section 91 of the Environmental Protection Act 1990 (EPA 1990) gives an individual the right to take legal action (by formal complaint to the magistrates’ court) to get litter removed where an area consistently falls below the standard for longer than is allowed.

If an area managed by a duty body falls below the standard set out in the Code of Practice on Litter and Refuse and the duty body will not put matters right, you can take legal action to get a Litter Abatement Order through a Magistrates’ Court. You can do this as a resident, someone who works in the area, a regular visitor, or anyone who has a genuine interest in the locality and who is aggrieved by the defacement of the area by litter or refuse. You can act as an individual or as a representative of a local community organisation or voluntary group who has an interest in the locality. The legislation requires that five days written notice is given to the duty body, with the details of the intended complaint, prior to proceedings being instituted. If the case is successful, the court can issue a litter abatement order requiring that the litter and refuse from that area be cleared away. It is an offence not to comply with a litter abatement order, and the body can be fined up to level 4 (£2,500) plus a daily fine of one twentieth of that level for each day the offence continues after conviction.

Land that is applicable for this measure is defined in detail in section 86 of the EPA 1990. In general, it must be open to the air on at least one side and under the “direct control” of the duty body. It applies where the public is entitled or permitted to have access with or without payment.

As with any legal action, the process may be time-consuming and complicated. To obtain a Litter Abatement Order it is necessary to have a more thorough understanding of the relevant sections of the Environmental Protection Act 1990. This section outlines what is a very complex piece of legislation. However, it should be remembered that this legislation was created to allow individuals to improve the cleanliness of their local environment if they felt it was not up to standard. For more detailed information, please refer to Government guidance on the litter legislation which can be viewed at: www.defra.gov.uk/environment/localenv/index.htm.

WHAT CAN LOCAL AUTHORITIES DO?

Local authorities have additional powers over other duty bodies.

Enforcing the requirement for duty bodies to keep land clear of litter and refuse – Litter Abatement Notices

Section 92 of the 1990 Act enables local authorities to take action where another duty body is failing to keep its relevant land clear of litter and refuse. The power to issue a Litter Abatement Notice is available to Principal Litter Authorities, other than County Councils, and may be used where any relevant Crown land, or land of a Designated Statutory Undertaker, or governing body of a designated Educational Institution is defaced by litter or refuse, or the defacement is likely to recur.

A Litter Abatement Notice may specify either, or both, of the following:

A requirement for the litter or refuse to be cleared within a certain time. In specifying a time period, local authorities should take into consideration the response times and guidance provided in the Code of Practice on Litter and Refuse for the type of land and litter in question.

A prohibition on permitting the land to become defaced by litter or refuse.

It is an offence to fail to comply with a Litter Abatement Notice, punishable by a fine of up to level 4 (£2,500) plus a daily fine of one twentieth of that level for each day that the offence continues after conviction.

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