

<b>REPORT TO:</b>	<b>OVERVIEW AND SCRUTINY COMMITTEE</b>	<b>AGENDA ITEM: 8</b>
<b>DATE OF MEETING:</b>	<b>18<sup>th</sup> OCTOBER 2017</b>	<b>CATEGORY:</b>
<b>REPORT FROM:</b>	<b>INTERIM STRATEGIC DIRECTOR</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>ADRIAN LOWERY EXT. NO. 5764</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>REVIEW OF STREET SCENE SERVICES</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

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## **1.0 Recommendations**

1.1 The Committee is recommended to note and discuss the information contained in this report and to advise Officers of any areas they wish to be referred to relevant Committees for consideration.

## **2.0 Purpose of Report**

2.1 As part of its annual work plan the Overview and Scrutiny Committee have requested a report on the issues of reducing the amount of litter and dog fouling incidents throughout South Derbyshire by improving the delivery of services aimed at keeping the District clean and healthy. The Committee will wish to comment on these areas.

## **3.0 Detail**

3.1 South Derbyshire District Council is designated as a Principle Litter Authority under the Environmental Protection Act 1990; this requires the Council to keep relevant land and highways free from litter and refuse.

3.2 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 plastic sack of rubbish should usually be considered fly-tipping rather than litter.

3.3 Refuse is regarded as having its ordinary meaning of waste or rubbish, including household and commercial waste, and can include fly-tipped waste. Dog faeces are treated as if they were 'refuse' when on certain descriptions of public land. Dog fouling is a separate offence from littering.

3.4 Detritus on metalled highways must be removed as a requirement of the duty to keep highways clean and it is also recommended that detritus should be removed alongside litter and refuse by duty bodies from all other hard surfaces as well. Detritus 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 are to be regarded as detritus once they have substantially lost their structure and have become mushy or fragmented.

- 3.5 The illegal disposal of controlled waste (refuse) is commonly known as fly-tipping. There is no specific definition of fly-tipping other than in the offences set out in section 33 of the Environmental Protection Act 1990, including the deposit or disposal of controlled waste without a waste management licence, or its disposal in a manner likely to cause pollution of the environment or harm to human health.
- 3.6 The Council services primarily dealing with litter are Street Scene (cleaning the streets) and Environmental Health (enforcement and education).
- 3.7 The Council deploys significant resources to meet our duty in clearing litter and refuse; the street cleaning budget for 2017/18 is £297,000.
- 3.8 In general the tasks undertaken and resources utilised are summarised in the following table.

Tasks	Resource
Mechanical Road Sweeping	1 x operative, 1 x specialist vehicle
Mechanical Pavement Sweeping	2 x operatives, 2 x specialist vehicles
Town Centre Litter picking, Public Toilet cleaning	1 x operative
Litter bin provision and emptying, other litter picking, Public toilet cleaning	2 x operatives, 2 x vehicles
Fly tipping, other litter picking, dead animal removal.(Clean Team)	2 x operatives, 1 x vehicle
Highway weed control	1 x operative from grounds, 1 x specialist vehicle – funded by DCC
Bus Shelter Maintenance	Out sourced
Gully emptying	Out sourced – funded by DCC
Rural highway litter picking	4 x operatives from grounds – November - February

- 3.9 The service standards for street cleaning are summarised in the following table.

Tasks	Service Standard
Mechanical Road Sweeping	All kerb edged metalled highways to be channel swept 4 x per year, with major routes 11 x per year
Mechanical Pavement Sweeping	All highway footpaths/pavements to be swept 2 x per year
Town Centre Litter picking, Public Toilet cleaning	Town centre to be litter picked minimum 2 x per day. Public toilets cleaned 2 x per day.
Litter and dog waste bin provision and emptying, other litter picking, Public toilet cleaning	2 x operatives, 2 x vehicles. Litter and dog fouling bins are generally emptied weekly, some high usage ones 2 x week
Fly tipping, other litter picking, dead animal removal.(Clean Team)	Response service with varying timescales, removal of dog fouling from sensitive location – immediate, fly tipping within 48 hours
Highway weed control	All kerb edged metalled highways to be treated 2 x per year.
Bus Shelter Maintenance	Shelters cleansed 4 x per year
Gully emptying	Gullies emptied 1 x per year, major routes 2 x

	per year.
Rural highway litter picking	1 x per year – November – February

- 3.10 More often than not people's perceptions of litter and dog fouling differ significantly from the actual problem. In 2014 the Council commissioned a report from MEL Research into environmental concerns in Newhall and Stanton. Surveys carried out showed that 90% of streets had no dog fouling but residents' perception was that only 31% had no dog fouling. In respect of litter 96% had no litter however; residents felt that only 53% had no litter.
- 3.11 The Council has published enforcement policies which explain how we will go about using our various tools and powers to help our business community and residents to meet the various laws we are tasked with regulating. When we are unable to ensure compliance through persuasion we may need to resort to use of more formal means.
- 3.12 In a small number of cases, the Council is required to resort to the courts or other forms of judicial punishment in order to seek restitution for confirmed offences. This restitution can be in one of three forms; Firstly, for a limited number of offences and where the offender admits to the offence, we can issue a fixed penalty notice. Where the offender admits the offence and there is no fixed penalty notice option available, but prosecution is not deemed to be proportionate then the offender may be given the option to sign a formal caution. Usually the most severe form of intervention is a prosecution.
- 3.13 The recent numbers of each of these punitive outcomes compared to historical levels is summarised below.

	2013-14	2014-15	2015-16	2016-17
<b>Total Fixed Penalty Notices</b>	<b>3</b>	<b>6</b>	<b>34</b>	<b>91</b>
Dog offences	0	1	23	9
Fly tipping & waste offences	1	1	0	7
Litter	2	4	8	65
Community Protection Notice / PSPO breach	0	0	3	10
<b>Formal Cautions</b>	<b>0</b>	<b>3</b>	<b>3</b>	<b>1</b>
<b>Prosecutions</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>1</b>

- 3.14 Overall the Council is making significantly greater use of fixed penalty notices for low level offences than has previously been the case.
- 3.15 In 2015-16 Safer Neighbourhood Wardens focused on using FPNs to improve the control of dogs within the Districts parks and open spaces.
- 3.16 In 2016-17 significantly more FPNs have been issued for littering offences - mainly relating to material being left illegally at the recycling sites at Hatton and Willington.
- 3.17 Fixed Penalty Notices are issued where the recipient admits to the offence and agrees to pay the fine to discharge their liabilities. If the recipient of an FPN subsequently fails to pay the fine then the Council should be considering the need to prosecute for the offence.
- 3.18 We have issued our first £400 penalty to a man found to be offering waste disposal services via Facebook without having been given approval as a registered waste business from the Environment Agency.

3.19 A recent prosecution for fly tipping resulted in a suspended custodial sentence and the seizure of goods to contribute to the cost of clearance works.

3.20 Our action to prevent fly-tipping appeared on the One Show on BBC1 on 8th March.

#### **4.0 Financial Implications**

4.1 The report has no financial implications.

#### **5.0 Corporate Implications**

5.1 Achieving and sustaining a high local environmental quality is important and helps to:

- secure quality, long term commercial investors;
- attract and retain workers with scarce skills;
- meet landowners' and tenants' legal obligations and liabilities;
- attract good, long-term tenants, minimising voids and repairs costs;
- deter anti-social behaviour and some criminal activities;
- create environments that are more easily maintained and less subject to vandalism.

5.2 These services contribute to the "People" themed objective of "Keeping Residents Safe and Happy" in the 2016-21 draft Corporate Plan and in particular the aim to "Use existing tools and powers to take appropriate crime enforcement action".

#### **6.0 Community Implications**

6.1 The quality of the local environment is important to people. Local environmental quality has several dimensions. These include:

- How places look and are perceived;
- How safe and happy people feel about living in an area;
- How attractive areas are to workers, visitors and existing and new business investors.

6.2 Proportionate regulation is an important feature of ensuring community cohesion and economic growth.