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| Decision maker: | Cabinet member transport and regulatory services |
| Decision date: | 22 February 2018 |
| Title of report: | Response to Motion at Full Council 13 October 2017 Street Cleaning and Litter |
| Report by: | Head of highways and community services |

Classification

Open

Decision type

Key

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Notice has been served in accordance with Part 3, Section 11 (Cases of Special Urgency) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012.

Wards affected

Countywide

Purpose and summary

To respond to the motion passed by full Council on 13 October 2017 which resolved that the Executive is asked to write on behalf of Herefordshire Council to government making the following points:

1. The cuts in local authority funding have impacted our ability to deliver non statutory services. The rural sparsity of Herefordshire presents a particular challenge to our street cleaning programme and verge litter clearing, which are non-statutory services.
2. The increasing volume of litter being dropped in the county on our streets and both major and minor roads is unsightly and dangerous. We recognise the tremendous efforts

made by local people who go on litter picks or who just pick up litter when they see it. However, it is neither practical nor safe to rely on local volunteers to litter pick on busy highways.

3. Therefore, we raise this issue with the suggestion that sufficient finances be made available to local authorities to attend to the problem. Such money should be raised from a tax on fast food (take away) outlets, confectionary and crisp manufacturers, alcohol and soft drink companies and tobacco companies since these are the main contributors to the problem. It will not be a pasty tax but a litter tax (although some benefit to health may accrue).
4. Defra should also be encouraged to run a campaign to stop the careless disposal of but encourage the recycling of silage wrappers, fertiliser bags, seed bags, feed sacks, baling twine and mineral buckets.
5. Furthermore, the Executive is asked to consider whether further steps can be taken to support parish councils, local community groups and individuals who wish to deal with this problem in their area. The Executive is also asked to look into what can be done to encourage local business to engage with this challenge to reduce waste and litter in our lovely county.

This report details the Executive's response to this motion.

Recommendation(s)

That:

- (a) the continued efforts of the council teams, their service provider Balfour Beatty Living Places and the community, working together are recognised; and**
- (b) the Cabinet Member for Transport and Regulatory Services writes to the Parliamentary under Secretary of State for the Environment, and the Department for Environment Food & Rural Affairs, as drafted in appendix 1 to this report.**
- (c) As part of the development of the public realm services in the 2018/19 Annual Plan, the council teams and Balfour Beatty Living Places consider whether further steps can be taken through the lengthsman scheme and community commissioning model to support parish councils, local community groups and individuals who wish to deal with this problem in their area.**
- (d) teams continue to encourage local business to engage with this challenge to reduce litter and waste in our lovely county.**

Alternative options

1. The continued works of all are recognised; and no letter is sent to the MP or the responsible government department. This is not recommended because by not writing we will not be capitalising on this opportunity to raise funding that can be used to keep our county clean. Further that the approach service remains set as is, this is not recommended. This as such approaches are contrary to the outcome focus established for services through the public realm services contract. Such an approach would stifle continuous improvement.

Key considerations

- 2 In moving the motion at full Council on 13 October 2017, Councillor EJ Swinglehurst made the following points:
 - The motion was intended to support efforts to reduce litter; and
 - It was noted that a number of initiatives pursued by local businesses, including reusable coffee cups, contributed positively towards litter reduction.
- 3 In seconding the motion, Councillor BA Durkin made the following points:
 - Local community groups were proactive in addressing litter concerns and council officers had volunteered for litter picks;
 - There was a need for young people to be educated to not drop litter; and
 - Support from members would help highlight the issue.
- 4 The following principal points were raised by members in the debate:
 - There was broad agreement with the objectives of the motion;
 - The introduction of a social responsibility tax was raised;
 - A small addition to paragraph 4 of the motion was requested to include the wording ‘...but encourage the recycling of...’ after the wording ‘disposal of’. The change was acceptable to the proposer and seconder of the motion;
 - The amount of litter attributable to packaging was not felt to be significant. Educating people not to drop litter should be the main focus of efforts to reduce the problem.
- 5 A motion that the question be now put was proposed by Councillor RJ Phillips and seconded by Councillor CA Gandy. The Chairman put the motion, including the change outlined above, to the vote. The motion was carried. As a consequence the motion, which is described in full under the heading Purpose and Summary in this report, was resolved.
- 6 This report sets out the Executive’s response to this motion and details the intended correspondence with government.
- 7 Government has announced that the maximum litter fines are to almost double to £150 from April 2018 as well as new fines introduced for owners of vehicles from which litter is thrown.
- 8 The rural sparsity of Herefordshire presents a particular challenge to our street cleaning programme and verge litter clearing services. In a rural environment our ability to effectively impose fines on the owners of vehicles from which litter is thrown, presents a number of practical issues, particularly on B, C and UC roads, which are the majority of the 2,000 miles for which we are responsible.
- 9 Whilst the doubling of the on-the-spot fines for dropping litter can assist to deter and punish the anti-social minority who continue to drop rubbish. Given the particular challenge faced by rural counties, the doubling of these fines can only be part of the picture.

- 10 The increasing volume of litter being dropped in the county, on our streets and both major and minor roads is unsightly and can be dangerous. We recognise the tremendous efforts made by local people who supplement our own efforts by going on litter picks or who just pick up litter when they see it.
- 11 To sustain and/or supplement these good works by our teams, our service provider Balfour Beatty Living Places and the community will require not only enthusiasm and imagination, but resource. Therefore it is timely that we raise this issue with the suggestion that sufficient finances be made available to rural local authorities to attend to the litter problem, through both an enhanced ability to enforce and clean our county and to suggest that the required funding be raised from a tax on fast food (take away) outlets, confectionary and crisp manufacturers, alcohol and soft drink companies and tobacco companies. This is due to a large majority of our litter being from the waste generated by such companies' products.
- 12 Appendix 1 to this report sets out the content for the letter to the Parliamentary under Secretary of State for the Environment, Thérèse Coffey MP and the Department for Environment Food & Rural Affairs (Defra). The drafting also includes the suggestion that Defra runs a campaign to stop the careless disposal of silage wrappers, fertiliser bags, seed bags, feed sacks, baling twine and mineral buckets. All of which should be recycled or reused.
- 13 Street cleaning is a component of the public realm services delivered by Balfour Beatty Living Places. These services are subject to continuous improvement regimes with each year's delivery being specified and commissioned through an Annual Plan. Delivery follows a locality working model with a team of locality stewards in place who interface directly with ward and parish council members and other community groups. In this way, the service works in partnership with communities to tailor delivery to meet the local need, minimising waste and enabling communities to become more self-reliant. The role played by the parish councils and community groups in maintaining the public realm is highly valued and the Lengthsman is set to be on a self-sustaining financial footing from 2020. Further, we have developed a community commissioning model to provide a supportive process for communities who wish to invest in the public realm.
- 14 Consequently, as part of the development of the public realm services in the 2018/19 Annual Plan, the council teams and Balfour Beatty Living Places can consider whether further steps can be taken through the lengthsman scheme and community commissioning model to support parish councils, local community groups and individuals who wish to deal with this problem in their area.
- 15 Further as part of the delivery includes the promotion of responsible waste disposal by both business and individuals alike. As such, teams can continue to encourage local business to engage with this challenge to reduce litter and waste in our lovely county.

Community impact

- 16 This action is intended to support the efforts of all in the community who wish to see less litter and will enhance the council's ability to keep Herefordshire tidy and beautiful for all to enjoy. A well maintained, clean and litter free environment will assist in keeping children and young people safe and give them a great start in life. Clean streets also support the growth of our economy, through the provision of safe and enjoyable public places that people will want to live, work, trade and play in.

Equality duty

- 17 Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 16 This decision is regarding the impact on companies whose products are, through their mindless 'disposal' by litter louts, the main contributors to the problem that we face, and not on individuals then in regard to our Equality duty there is no negative impact.

Resource implications

- 17 A positive response from government may lead to an increase in the resources that are available to the council to keep Herefordshire clean and tidy, through working with others in the community.
- 18 Through continuous improvement and, if achieved, further investment we can secure better services, that enhance the quality of life and value for money delivered through our public realm services.
- 19 The alternative options considered will require comparable resources.

Legal implications

- 20 This is an Executive function under the Council's Constitution Part 3 Section 3 as it does not fall within the Council functions laid out in Part 3 Section 1. It is a key decision delegated by the leader to the Cabinet member transport and regulatory services as the decision maker with the authority to deal with it under Part 7 Section 1 functions of the Constitution as part of his portfolio Transport and highways (operations).
- 21 There are no legal implications or any other legal considerations in taking this decision

Risk management

- 22 No significant risks have been identified as a direct consequence of this decision.

Consultees

- 23 None

Appendices

Appendix 1 – Content for the letter to the Parliamentary under Secretary of State for the Environment and the Department for Environment Food & Rural Affairs.

Background papers

None identified