

PERFORMANCE SCRUTINY COMMITTEE – 23rd FEBRUARY 2010

Report of the Director of Leisure & Environment

ITEM 6 FLY TIPPING AND GRAFFITI - PERFORMANCE

Purpose of Report

This report is submitted to outline the position with fly tipping and graffiti in the Borough, the Council's performance in those respects and the actions being taken to improve that.

Action Requested

The Committee is asked to note the report.

Background

NI 195c (Percentage of Relevant Land and Highways Assessed as Having Deposits of Graffiti that fall below an Acceptable Level (Corporate Plan – Place)).

Members of the Committee will recall the report to this Committee on 24th November 2009 reporting performance in this area of 6% against an annual target of 4%. This target relates to the cleanliness standard in respect of graffiti across the Borough with a higher figure being poor and is measured by National Indicator NI 195c (the % of relevant land and highways that is assessed as having deposits of graffiti that fall below an acceptable level). These measurements are recorded via three seasonal surveys ("tranches").

The current year's performance in this area compared to last year is detailed below in Table I:-

Table I – NI 195c		
	2008/09	2009/10 To date
Tranche 1	2%	6%
Tranche 2	5%	2%
Tranche 3	4%	No data yet
Annual Performance	4%	-
Annual Target	4%	4%

The number of reported graffiti incidents varies throughout the year and in different parts of the Borough with Loughborough and Birstall being worst affected.

Table 2 – Graffiti Reports		
	2008/09	2009/10 To date
April - July	No data	234
August – November	No data	143
December - March	214	No data yet

Of the incidents reported approximately 60% are on third party infrastructure or street furniture e.g. communication boxes, lampposts etc. Environmental Services has been contacting a number of the Utility Companies and Statutory Undertakers (14 in total) to consider ways of ensuring they accept their responsibility for removing graffiti. Whilst this work is ongoing a number have responded very positively stating that they have protocols in place and will either remove graffiti within a given timescale (not necessarily to the Council's desired timescale) or have offered agreeable arrangements for the Council to remove graffiti on their behalf.

NI 196 Improved Street & Environmental Cleanliness – Fly-tipping (Corporate Plan –Place).

Similarly, members of the Committee will recall the report to this Committee on 24th November 2009 which reported an overall increase of 45% in the number of fly-tipping incidents. Further information is illustrated in the table 3 below:-

Table 3 - Number of Reported Fly Tipping Incidents		
Period	2008/9	2009/10
Quarter 1	136	166
Quarter 2	146	143
Quarter 3	140	205
Quarter 4	148	No data yet

The National Indicator relating to fly-tipping measures a local authority's performance based on a combination of calculating its year on year change in total incidents of fly-tipping dealt with, compared with its year on year change in enforcement actions taken against fly-tipping. Table 4 below illustrates the enforcement action taken:-

Table 3 – Fly-tipping Enforcement Actions

		Q3 – 2008/09	Q3 – 2009/10	Difference
Misuse of Waste Receptacle	Investigation	134	181	+47
	Warning letter	1481	2123	+642
	Statutory notice	0	72	+72
	Fixed penalty notice	38	41	+3
Duty of Care	Duty of care inspection	0	153	+153
Fly-tipping	Stop and search	0	3	+3
	Vehicle seizure	0	0	-
	Formal caution	1	0	-1
	Prosecution	1	12	+11
	Injunction	0	0	-
	OVERALL	1655	2585	+930

Overall performance in NI 196 is based on the effectiveness of reducing the number of incidents. Grade 1 is best and is awarded for a decrease in incidents and an increase in enforcements whilst Grade 4 applies when the number of incidents has increased and the number of enforcement actions has decreased.

Performance in quarter 3 is reported as Grade 3 (not effective) as the amount of fly-tipping has increased although there has been an increase in the number of enforcement actions.

It was reported in November 2009 that the volume and the revised weighting factors (for example the weighting criterion from April 2009 for an enforcement letter now carries a weighting of 1 compared with a weighting of 10 in 2008 /09) within DEFRA software that made the greatest impact in the change of performance.

Unfortunately, whilst the Heads of Street Management and Environmental Services are aware of the changes in the calculations and weighting, there is little action can be taken to improve the Grade of 3. Whilst the number of fly-tipping incidents has increased, it should also be noted that the current Environmental Services Contract requires the removal of the waste within 24 hours following investigation. This target has been met in most circumstances and is a performance management indicator that is monitored on a monthly basis. Since the start of the Contract there have been seven occasions when this performance indicator has been breached.

In addition, the number of enforcement actions continues to rise and the Council takes a strong line on prosecuting individuals or companies where evidence can be established that a breach of the law has occurred.

Financial and Legal Implications

There are no financial or legal implications for this report.

Risk Management

There are no specific risks associated with this report.

Background Papers: None

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