

# **BASELINE AGREEMENT FOR THE PROVISION OF STANDARD SERVICES**

**Dated**

**Gwynedd Council (the “Council”)**

**and**

**AGB Bangor BID (the “BID Company”)**

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## **Baseline Agreement for the Provision of Standard Services**

**Dated:**

**Between:**

- 1) NAME OF THE COUNCIL Gwynedd Council and
- 2) NAME OF THE BID COMPANY **AGB Bangor BID** [registered as a company limited by guarantee in England and Wales].

### **Recitals**

- A The Council is the local authority for the purposes of the Local Government Act 2003 and is responsible for providing the Standard Services within the BID Area.
- B The BID Company is responsible for the management and operation of the BID and for achieving the objectives and aspirations set out in the BID Business Plan.
- C The purpose of this Deed of Agreement is to set out for the avoidance of doubt
- (i) the Standard Services provided by the Council within the BID area;
  - (ii) the benchmark levels against which the provision of the Standard Services will be measured so as to ensure that whenever the BID Company wishes to provide any additional/complimentary services these services are not services which the Council should be providing pursuant to their existing statutory duties; and
  - (iii) the mechanism for the continued monitoring and review of the Standard Services.

**It is agreed:**

**1. Definitions**

**Ballot Result Date** means the date upon which a successful ballot result has been declared in favour of putting in place the BID Arrangements.

**Baseline Agreement** sets out for the avoidance of doubt

- (i) the Standard Services provided by the Council within the BID area;
- (ii) the benchmark levels against which the provision of the Standard Services will be measured so as to ensure that whenever the BID Company wishes to provide any additional/complimentary services these services are not services which the Council should be providing pursuant to their existing statutory duties; and
- (iii) the mechanism for the continued monitoring and review of the standard Services.

**BID** means the Business Improvement District which is managed and operated by the BID Company and has the meaning given in the Regulations.

**BID Area** means that area within which the BID operates as shown in Schedule 1.

**BID Arrangements** has the meaning given by section 41 of the Local Government Act 2003

**BID Business Plan** means the plan voted for by the BID Levy Payers which sets out the objectives of the BID and for Financial Year 2015/16 is known as the BID Proposal.

**BID Levy** means the charge levied and collected within the BID pursuant to the Regulations.

**BID Levy Payers** means the non-domestic rate payers liable for paying the BID Levy.

**BID Proposal** means the plan voted for by the BID Levy Payers in a ballot which sets out the objectives of the BID and identifies the various projects which will be undertaken using funds raised by the BID Levy and/or Voluntary Contributions to achieve those objectives and 'Renewal Proposals' has the same meaning save that 'ballot' shall be replaced with 'renewal ballot' and 'Alteration Proposals' has the same meaning save that 'ballot' shall be replaced with 'alteration ballot'.

**BID term** means 1<sup>st</sup> of April 2016 to 31<sup>st</sup> of March 2021.

**Complementary Service(s)** means those services secured or procured by the BID Company from the Council or other third party provider in addition to the Standard Services.

**Complementary Services Agreement(s)** means an agreement entered into between the Council and the BID Company or such further agreements as may be entered into by the BID Company for the provision of the Complementary Services.

**Complementary Service Provider** means the provider of a Complementary Service.

**Designated Officer** means the officer appointed by the relevant Council Department to liaise directly with the BID on issues relating to the performance of the Standard Services and any Complementary Services provided by the Council.

**Financial Year** means the financial year for the BID Company which runs from 1<sup>st</sup> April to 31<sup>st</sup> March

**Operating Agreement** means the agreement to be entered into between the Council and the BID Company which sets out various procedures for the collection, monitoring and enforcement of the BID Levy.

**Performance Notice** means a notice served by the BID Company which:

- (a) identifies the Standard Service to which the notice relates;
- (b) states how the Standard Service is not being provided in accordance with this Agreement; and
- (c) requests that the Council liaise directly with the department, service provider or contractor responsible for carrying out the Standard Service as soon as practicable for the purposes of securing compliance with this Agreement.

**Protocols** means the informal procedures to be agreed by the Council and the BID Company the purpose of which is to assist in the provision of the Standard Services.

**Regulations** means the Business Improvement Districts (Wales) Regulations 2005 and such amendments to those regulations which may be made by the National Assembly for Wales pursuant to Section 48 of the Local Government Act 2003 (from time to time).

**Services Review Panel** means the panel comprising nominated officer representatives from the BID Company and the Council Departments responsible for delivery of Standard Services.

**Standard Services** means the services provided by the Council within the BID Area as set out in Schedule 2.

**Voluntary Contribution(s)** means any contributions or funds paid or made available to the BID Company which do not form part of the BID Levy.

## **2. Statutory Authorities**

2.1 This Agreement is made pursuant to Section 2 of the Local Government Act 2000, Part IV of the Local Government Act 2003, the Business Improvement Districts (Wales) Regulations 2005, Section 111 of the Local Government Act 1972 and all other enabling powers

## **3. Commencement**

3.1 This Agreement shall commence on \_\_\_\_\_ 2016 and continue until 31<sup>st</sup> of March, 2021 subject to earlier termination or extension by mutual consent as hereinafter provided.

3.2 This Agreement shall determine and cease to be of any further effect in the event that:

- (a) the BID Company fails to secure approval of the Proposals, Renewal Proposals or Alteration Proposals in a ballot, renewal ballot, alteration ballot or rebalot;
- (b) the Welsh Ministers declare void a BID ballot, renewal ballot, alteration ballot or rebalot;
- (c) the Council exercises its veto pursuant to Section 51(2) of the Local Government Act 2003 and paragraph 12 of the Business Improvement District (Wales) Regulations 2005 and there is no successful appeal against the veto;
- (d) the BID Term expires save where the BID Company secures approval of Renewal Proposals in a renewal ballot or Alteration Proposals in an alteration ballot or Proposals in a rebalot in which event this Agreement shall continue until the expiry of the BID Term set out in the Renewal Proposals, Alteration Proposals or the Proposals set out in the

reballot provided, in relation to Renewal Proposals and Alteration Proposals, the Council and the BID Company both consent to such continuation;

- (e) the Council exercises its discretion to terminate the BID Arrangements in exercise of its powers under Regulation 18 of the Regulations; and
- (f) the Council terminates this Agreement pursuant to clause 9 of this Agreement.

#### **4. The BID Company's Obligations**

- 4.1 The BID Company agrees that it will provide the Council with any information the Council will reasonably require in relation to the carrying out of the Complementary Services.
- 4.2 In the event that the BID Company intends to change the Complementary Services the BID Company shall serve notice on the Council for the purposes of arranging a meeting of the Services Review Panel and at such a meeting the BID Company shall consult with the Council in respect of the intended change to the Complimentary Services.

#### **5. The Council's Obligations**

- 5.1 The Council agrees to the following:
  - (a) to provide the Standard Services within the BID Area as its own cost for the duration of the BID term; and
  - (b) will not use the BID Levy at any time to either fund or procure the Standard Services.
- 5.2 In the event that the Council is unable to continue to provide all or any part of the Standard Services within the BID Area on account of it being statutorily barred from doing so in respect of any of those Standard Services set out in Schedule 2 or it does not have sufficient funds to secure the provision of any



of those Standard Services set out in Schedule 2 it shall confirm the following to the BID Company:

- (a) identify which part or parts of the Standard Services it is unable to provide;
- (b) provide a detailed explanation of why such identified Standard Service is to be withdrawn; and
- (c) confirm the date upon which the Council will cease to operate the identified Standard Service.

5.3 The Council may provide different Standard Services, delayed Standard Services or no Standard Services in the event that it is not reasonably practicable to provide the Standard Services by reason of the following:

- (a) adverse weather conditions in the BID Area;
- (b) an excessive number of pedestrians in the BID Area which would impede or inhibit the carrying out of the Standard Services;
- (c) restrictions by the Police as to the persons and/or number of persons permitted access in the BID Area;
- (d) a traffic accident or major spillage in the BID Area;
- (e) marches, parades, film and theatre premieres, festivals and visits by VIPs in or affecting the BID Area where such activities directly impede or inhibit the Standard Services from being provided;
- (f) any other reason in the BID Area or affecting the BID Area beyond the control of the Council;

- (g) neither party shall have any liability under or be deemed to be in breach of this Agreement for any delays or failures in performance of this Agreement which result from circumstances beyond the reasonable control of that Party. The Party affected by such circumstances shall promptly notify the other Party in writing when such circumstances cause delay or failure in performance and when they cease to do so. If such circumstances continue for a continuous period of more than six months, either Party may terminate this Agreement immediately by written notice to the other Party.

Provided always that the Council shall first and, if possible, provide the BID Company with reasonable notice in the event that the Council intends to provide different Standard Services, delayed Standard Services or no Standard Services as a result of any of the reasons mentioned in this clause and the Council shall, if possible, endeavour to recommence the Standard Service as soon as reasonably practicable to the same standard as it was immediately before the change.

- 5.4 To use reasonable endeavours to liaise with the proposed BID to provide Complimentary Services or, and (where practicable) put in place such partnering arrangements (of formal or informal nature) with a Complimentary Service Provider where the Complementary Services are complementary to or are of a similar nature to the Standard Services and to liaise with the Complementary Service Provider (where appropriate).
- 5.5 To implement such reasonable recommendations in the carrying out or provision of the Standard Services as may be made by the Services Review Panel, insofar as is reasonably practicable and affordable.
- 5.6 2 months prior to conducting a review/reletting of a contract relating to the Standard Services to notify the BID Company informing it of the timescales for carrying out the review/reletting and update Schedule 2 with new details within 4 weeks of these being agreed.

- 5.7 Pursuant to clause 5.6 above to review the provision of the Standard Services as part of the Services Review Panel process and where appropriate and agreed with the BID Company to update Schedule 2 in accordance with the conclusions reached by the Services Review Panel insofar as is reasonably practicable and affordable.
- 5.8 In the event that the Council intends to change the Standard Services significantly and permanently the Council shall give the BID Company no less than 2 months prior to that change, if possible, and such notice shall include:
- (a) a description of the part or parts of the Standard Services the Council intends to change;
  - (b) a detailed explanation of why the Council intends to change such Standard Services;
  - (c) the date on which the Council intends to change the Standard Services.

## **6. Performance Notice**

- 6.1 The Council shall not remove or change any contractor(s) responsible for providing the Standard Services without first serving no less than 28 days written notice on the BID Company confirming:
- (a) the removal or alteration of such contractor;
  - (b) the Standard Services which such contractor is responsible for providing; and
  - (c) the details of the new contractor appointed to provide the Standard Services

PROVIDED THAT this requirement to give prior notice to the BID Company shall not apply in the event of a contract for the provision of any of the

Standard Services terminating immediately on the grounds of fundamental breach of contract or insolvency on the part of the contractor.

- 6.2 Upon receipt of a Performance Notice from the BID Company the Designated Officer shall inform the contractor or provider of the Standard Services of the lapse, carry out a review of the performance and the carrying out of the Standard Services by the contractor or provider of the Standard Services and to use their reasonable endeavours to secure the improvement of the Standard Services. The Designated Officer in each case shall consult with the BID Company on the action plan arising from such review to secure such improvements, if possible, and keep the BID Company informed of the Council's actions and progress in carrying out the action plan.

## **7. Licence**

- 7.1 The BID Company, its agents or Complementary Service Provider shall not enter onto into or upon any land within the Council's ownership or the highway for the purposes of the BID Company its agents or Complimentary Service Provider carrying out any function or service required or secured (or any ancillary function) for the operation of the BID proposal without first obtaining the Council's licence and consent under Clause 7.2 and complying with all relevant statutory requirements.
- 7.2 The BID Company shall give the Council reasonable notice in writing of its intention to carry out any function or service under Clause 7.1, stating when each such access will be required and the location and nature of the proposed works or services. The Council reserves the right to refuse or reschedule such entry in the event that it considers (acting reasonably) it necessary to do so provided that such refusal shall be given promptly with an explanation and in writing to the BID Company. Any such licence or consent may be given subject to such conditions as the Council may consider reasonably necessary.

## **8. Monitoring and Review**

- 8.1 The Council and the BID Company shall set up the Services Review Panel within 28 (twenty-eight) days from the date of this Agreement the purpose of which shall be to:
- (a) review and monitor the carrying out of the Standard Services;
  - (b) make any recommendations required pursuant to clause 5 to the Council and the BID Company;
  - (c) where appropriate, review and monitor the provision of the Complementary Services and make such recommendations to the BID Company as are appropriate;
  - (d) review any Performance Notices served by the BID Company and steps which should be taken to secure the proper carrying out of the Standard Services and to make recommendations to the Council including recommendations for an improvement in performance in the carrying out of the Standard Services and recommendations for the carrying out of the Standard Services in a manner that facilitates the carrying out of Complementary Services.
- 8.2 Within 28 (twenty-eight) days from the date of this Agreement the parties shall agree the dates when there will be meetings of the Services Review Panel and there shall be at least two such meetings in each Financial Year (throughout the duration of the BID Term) and on all other occasions further meetings of the Service Review Panel shall be arranged by the service of written notice by either party on the other, such notice to be provided no less than 28 (twenty-eight) days prior to the date of the proposed meeting (or less if otherwise agreed or in cases of emergency) and provided further that such meetings can be dispensed with altogether upon the written agreement of the parties.

8.3 The Services Review Panel will identify the need for any improvement or alteration to the Standard Services. The Council will in any case formally respond to recommendations from the Service Review Panel within the standard response times, giving reasons for any decision not to implement recommendations in part or in full.

## **9. Joint Obligations**

9.1 Both the Council and the BID Company agree:

- (a) for the purposes only of monitoring the Standard Services and the Complimentary Services to review and take account of any representations or recommendations made to them by the Services Review Panel and take such action as may be appropriate;
- (b) to agree appropriate Protocols as may be required in order to assist the carrying out or provision of the Standard Services (and thereafter to review them annually);
- (c) to operate the complimentary services in accordance with such agreed Protocols.

## **10. Termination**

10.1 The Council may terminate this Agreement:

- (a) in the same circumstances in which it may terminate the BID Arrangements under Regulation 18 of the Regulations;
- (b) in the event that the BID Company commits a serious and irremediable breach of this Agreement; or
- (c) in the event that the Council terminates the Operating Agreement

## **11. Confidentiality**

11.1 Both the Council and the BID Company agree to keep confidential and not to divulge to any person without the prior written consent of the other party all information (written or oral) concerning the business affairs of the other nor any information which has been exchanged about the BID Levy Payers or about other third parties which it shall have obtained or received as a result of operating the BID. This obligation shall survive the termination or lapse of the provision of the BID.

## **12. Notices**

12.1 Any notice or other written communication to be served or given to or upon any party to this Deed to the other shall be in writing and shall be sent to the address provided for above or such substitute address in the UK as may from time to time have been notified by that party upon 7 (seven) days' notice in writing.

12.2 A Notice may be served by registered or recorded delivery post and:

- (a) delivered to the Head of Law & Standards of the Council at the above address;
- (b) delivered to the BID Director of Operations at the BID Company's office address;
- (c) or by electronic communication (provided that it is in legible form and is capable of being used for subsequent reference) to such addresses.

12.3 Any notice served shall be deemed to have been validly served or given at the time when in the ordinary course of business it would have been received.

## **13. Miscellaneous**

13.1 For the avoidance of doubt where any part of this Agreement is incompatible with the Regulations or any other regulations issued pursuant to Part IV of the

Local Government Act 2003 then such part shall be struck out and the balance of this Agreement shall remain.

- 13.2 The headings appearing in this Deed are for ease of reference only and shall not affect the construction of this Deed.
- 13.3 For the avoidance of doubt the provisions of this Deed (other than those contained in this Clause) shall not have any effect until this document has been dated.
- 13.4 Where reference is made to a Clause, Part, or Recital such reference (unless the context requires otherwise) is a reference to a clause, part, plan, or recital attached to this Deed.
- 13.5 References to the Council include any successors to its functions as local authority.
- 13.6 References to statutes, bye laws, regulations, orders, delegated legislation shall include any such instrument re-enacting or made pursuant to the same power.

#### **14. Exercise of the Council's Powers**

- 14.1 Nothing contained in this Agreement or implied in it shall prejudice or affect the rights discretions powers duties and obligations of the Council under all statute byelaws statutory instruments orders and regulations in the exercise of its functions as a local authority.

#### **15. Contracts (Rights of Third Parties)**

- 15.1 The parties do not intend that the provisions of this Agreement may be enforced or varied by any other party pursuant to the Contracts (Rights of Third Parties) Act 1999.



## **16. Relationship between the Parties**

- 16.1 Nothing in this Agreement shall constitute, or be deemed to constitute, any partnership agency or joint venture arrangements as between the Council and the BID Company.
- 16.2 The BID Company is not and will not at any time hold itself out as the agent of the Council for any purposes and under no circumstances will the BID Company have the authority to bind the Council or hold itself out as having such authority.
- 16.3 All contracts and agreements entered into or made by the BID Company pursuant to this Agreement will be contracts or agreements as between the BID Company as principal and the respective third parties and the Council will have no obligation or liability under them.
- 16.4 Both parties shall indemnify and keep indemnified the other party against all costs claims demands proceedings and liabilities which may be incurred as a result of any act, neglect or default by the indemnifying party, its employees contractors or agents in carrying out their obligations under this Agreement.

## **17. Dispute Resolution**

- 17.1 If any dispute or difference arises between the Council and the BID Company relating to or arising out of the terms of this Agreement then dispute shall be referred to the Managing Directors or Chief Executive Officers of the Council and the BID Company or their designated representatives, who will meet in good faith to try and resolve the dispute or difference.
- 17.2 If after 28 days (or such longer period as the parties may agree) the dispute or difference has not been resolved then either of the Parties may give notice that it wishes to attempt to settle the dispute by mediation in accordance with the Centre for Effective Dispute Resolution (“CEDR”) Model Mediation Procedure 2001 (“The Model Procedure”) or such later edition as may be in force from time to time.

- 17.3 If the Parties do not agree on the identity of the Mediator then either party may request that CEDR appoint one.
- 17.4 The Model Procedure shall be amended to take account of any relevant provisions of this Agreement or any other agreement that the parties may enter into in relation to the conduct of the mediation.
- 17.5 Both Parties use their best endeavours to ensure that the Mediation starts within twenty working days of the service of the notice of mediation and to pay the mediator's fees in equal shares.
- 17.6 Any agreement reached by the parties as a result of mediation shall be binding on the parties, as set out in the Model Procedure, but if the dispute has not been settled by mediation within 10 working days of the mediation starting then either party may commence litigation proceedings (but not before then).
- 17.7 Neither party shall be precluded by this Clause 17 from taking such steps in relation to court proceedings as they may deem necessary or desirable to protect its position, including but not limited to, issuing or otherwise pursuing proceedings to prevent limitation periods from expiring and applying for interim relief.

IN WITNESS whereof the Council has caused its Seal to be affixed and the BID Company has executed this Agreement as a Deed the day and year first before written

The Common Seal of Gwynedd Council was )  
hereunto affixed in the presence of: )

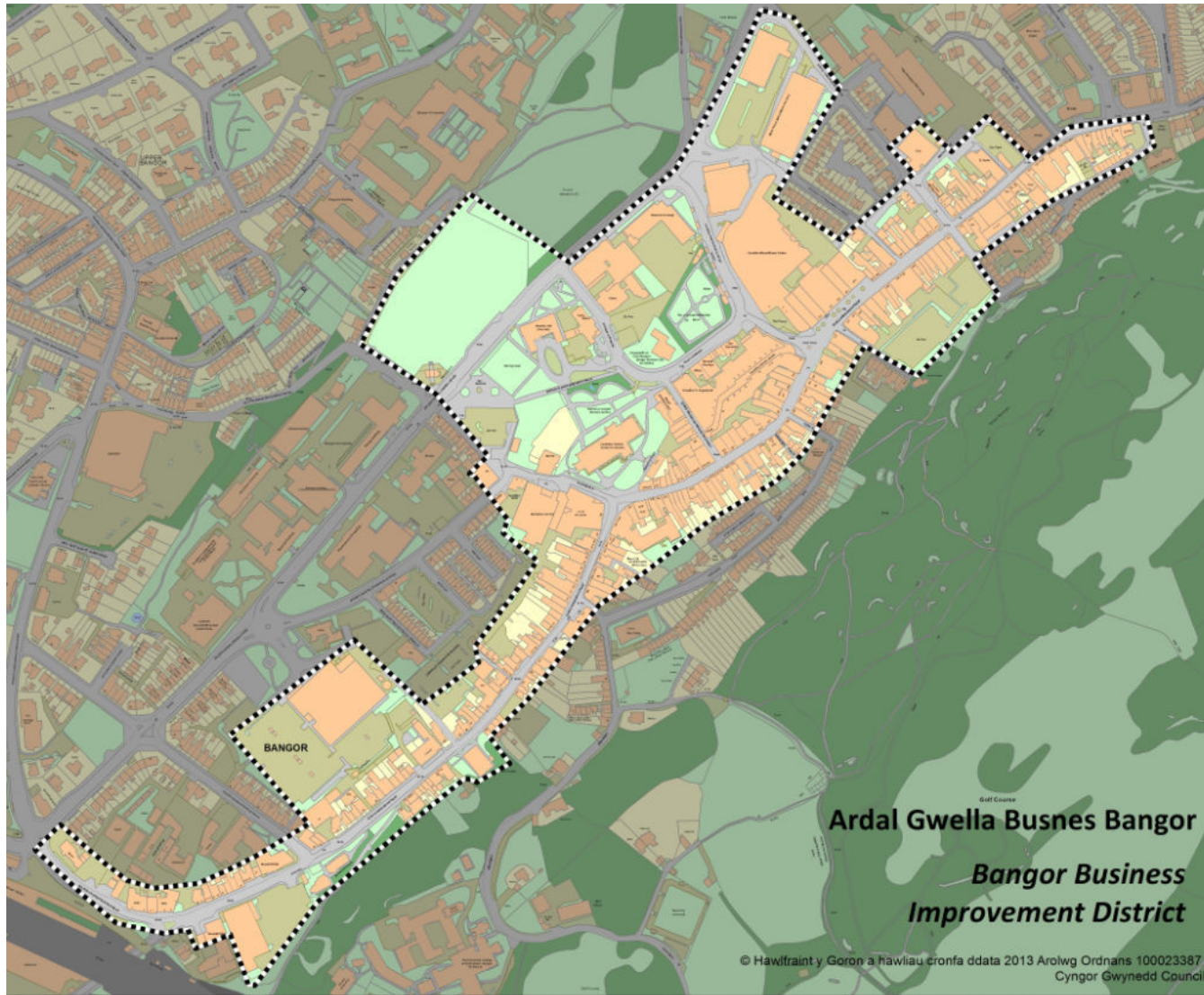
Authorised Signatory

The Common Seal of Bangor BID was )  
hereunto affixed in the presence of: )

Authorised Signatory

Authorised Signatory

Schedule 1 – BID Map Area



## **Schedule 2 – Gwynedd Council Standard Baseline Services - Bangor**

Details of Gwynedd Council (GC) service provision within proposed Business Improvement District (BID) Area. Information to be included in this schedule of the baseline agreement and reflects standard services CG provides.

**The services and level of activities noted on Schedule 2 are subject to the outcomes of the comprehensive spending review currently underway with Gwynedd Council. Any proposed changes to these services will be undertaken in consultation with the BID as set out in para 5.8 of this agreement**

The proposed BID area maps are included at the end of this document. Streets included in full or in part within the proposed BID area where services are provided are :-

Dean Street / Stryd y Deon	High Street / Stryd Fawr
Ashley Road	Station Road / Stryd yr Orsaf
Brick Street	Ffordd Gwynedd
Mount Street	Deiniol Road / Ffordd Deiniol
Plas Llwyd Terrace	Tan-y-Fynwent
Tan y Fynwent	Waterloo Road / Stryd Waterloo
Ebenezer Place	Garth Road / Ffordd Garth
York Place	Glanrafon
Ffordd y Ffynnon	Sackville Road / Ffordd Sackville

### **Regulatory Services**

#### **Designated Officer – Senior Manager Transportation and Street Care**

##### **1. Road Improvement Scheme Management**

1.1. Oversee and manage proposed road improvement schemes within the BID areas.

##### **2. Traffic Management, Planning and Enforcement**

2.1. Creation of Temporary and permanent Traffic Regulation orders .i.e Parking, Speed, Height & Weight restrictions and one-way systems and road closures.

2.2. Managing the coordination of works within the Highway.

2.3. Ensuring the safe and free flowing usage of the highway, through licencing and enforcement.

##### **3. Parking Management**

3.1. Management of Car Parks under the ownership or responsibility of Gwynedd Council according to established Gwynedd Council policies and national legislation and regulations. These include :-

<b>Bangor</b>	
- Y Cannondy	- Kyffin Square
- Plas Llwyd Terrace	- Minafon
- James Street	- Glanrafon

3.2. Statutory and civil parking enforcement activities within BID area which includes enforcement within car parks and on street parking. Parking enforcement officers are deployed on a daily basis within the BID area to enforce regulations for all road users.

3.3. Management of traffic management bollards where installed within the BID area.

3.4. Management of residential parking Scheme where already established within the BID area.

#### **4. Licensing**

4.1. Within identified BID area GC provide licencing activities relating to

- Use of traffic lights, skips and scaffolding;
- Use of A-Boards, tables and chairs in the public realm
- Providing licenses for events as required within the BID area.

#### **5. Public Transport**

5.1. Management of transportation hubs within the BID area including care, maintenance and responding to vandalism.

5.2. Maintaining and updating Departure Boards.

5.3. Monitoring existing public transport provision from transportation hubs adhere to contract terms and conditions.

5.4. Commission subsidised public transport provision from transportation hubs.

#### **Her Gwynedd**

At a meeting of the full Council held on 3rd March 2016, Gwynedd councillors have approved the authority's budget for 2016/17 along with a financial strategy to address the significant financial pressure the Council faces over the coming years. To address this significant deficit, the Council has approved a strategy that aims to deliver over £14 million of additional efficiency savings over the next two years.

Services within the Regulatory Department have been included within the identified cuts and efficiency savings: -

Traffic Management , Planning and Enforcement – 50% reduction in traffic management budget and a reduction in Street Enforcements Unit team with loss of 2 out of 7 posts.

Gwynedd Council will inform the Business Improvement District of changes as they're implemented according to articles of the Baseline Agreement

## **Highways and Municipal Services**

**Designated Officer** - Senior Manager Waste and Commissioning, Highways and Municipal Services

### **6. Street Cleansing and Associated Services**

6.1. In the areas included within the BID areas Gwynedd Council operates routine street cleaning and servicing of litter bins is undertaken on a daily basis. Cleaning schedules are set to meet the duty to keep the relevant land clear of litter and refuse and highways are clean. Areas within the BID area are included within the current cleansing schedules which identify the frequency of cleansing in compliance to grades A – D as set out in the Code of Practice on Litter and Refuse and Associated Guidance 2007 code of practice for rubbish and waste.

6.2. Land managed by the duty body (Gwynedd Council) has been split into four main zones. High intensity of use, Medium intensity of use. Low intensity and areas with special circumstances. Land has been allocated into one of the four zones and managed accordingly. Appendix 1 (below) indicates the types of land within each category. The zones are identified on maps and Appendix 1 provides the information for the area within the BID.

6.3. Hours Operating - 06:00 – 18:00

6.4. Street cleansing teams are deployed on a daily basis to implement cleansing schedule to maintain or restore identified areas to grade A by 8am in high and medium intensity areas.

6.5. Reactive Cleansing shall be determined by the Highways and Municipal Department (HMD) to achieve the appropriate standard of cleanliness.

6.6. Response times to maintain assigned grades have been set for each category by which a land must be returned to an acceptable standard:-

High Intensity: - the maximum response time to restore to a grade A = 1/2 day, this means by 6pm if reported before 1pm or by 1pm the next day if reported between 1pm and 6pm.

Medium intensity: - the maximum response time to restore to a grade A = 1 day, this means by 6pm the following evening.

#### **Standard of Cleansing**

6.7. All works or services performed shall be carried out to the entire satisfaction of the Code of Practice. The HMD Works Unit shall be responsible for all supervision to identify the cleansing required to achieve the specified standards within the time limits as set out in this Specification and the Response Time Summary. A Supervising Officer may from time to time during the works monitor the cleansing standard and will instruct the Works Unit in accordance with the Conditions if any defects are found. The Supervising Officers' decision regarding the grade and extent of defect shall be final

6.8. The HMD Works Unit shall ensure that all personnel will have a thorough appreciation of the requirements of the Code of Practice and shall familiarise themselves with the cleansing standards, definitions, photographic examples, category zones and their response times.

6.9. Standards are based on the Environmental Protection Act: Code of Practice and are categorised as zones 1-7 as indicated in paragraph 17. The Various photographs of these cleanliness standards are the trigger points for the response times for that Category.

6.10. Amendments and additions to the Code of Practice shall be as follows:-

- A full reactive cleansing service shall be provided at all times within a core working day of 06.00hours until 20.00hours except for Christmas day and New Years' day when the service required will be as specified for Category 1 and 2 zones only
- A litter bin with its contents exceeding 90% of its capacity shall result in that bin being deemed to be Cleanliness Standard Grade D.
- Response time for syringes, hypodermic needles and the like shall be immediately if found by the Works Unit during monitoring of cleansing or within 3 working hour if instructed by the Supervising Officer and records of work carried out provided in accordance with the operating procedure Part F- Appendix G ( as amended February 2007).
- Response time for leaf fall on soft landscapes areas within Zone 4 shall be as for normal waste when cleansing is required but otherwise within 3 weeks of the completion of leaf fall in that particular area.

**Response Times**

6.11. For the purpose of the Baseline Table A below indicates a table clarifying the main response time limits for the restoration to the acceptable grade of cleanliness i.e. Grade A for hard areas and Grade B for landscaped areas.

**RESPONSE TIME SUMMARY**

CATEGORY ZONE	DESCRIPTION	CLEANLINESS STANDARD	
		A	B, C or D
High Intensity of use	Area which through intense pedestrian and /or vehicular movements are prone to fluctuations in litter and refuse and require both high levels of monitoring and cleansing	<----- <----- <-----	-- ½ a day. This means by 6pm if reported before 1pm or by 1pm the next duty day if reported between 1pm and 6pm

**Methodology of Work**

- 6.12. Cleansing shall be performed by mechanical or manual means or a combination thereof at the discretion of the Works Unit. Cleansing work to any area contained in category zones 1, 2, 3 or 4 shall be applied to the full extent of that area as defined by its natural or physical boundaries. On completion of cleansing any surface, edges and joints shall be visible and completely free from all traces of waste of whatever nature.
- 6.13. The Contractor shall give special attention to ensure that unwanted growth is removed and discouraged during each cycle of frequency cleansing from all sealed surfaced / hard landscaped areas including recesses interfaces and crannies as found on features such as eg kerblines, channels, footways and modular pavements etc
- 6.14. The Works Unit shall have demonstrate in the detailed programme of service that the resources are available in sufficiency to cater for seasonal factors affecting the work-load such as holiday traffic and visitors. It shall include for the deployment of special machinery and any additional cleansing where appropriate.
- 6.15. The standard of cleanliness shall be obtained by the Works Unit irrespective of the type of surface including paving blocks, cobbles and the like, and the Contractor shall be deemed to have made full allowance for any additional treatment that may be.



### **Litter Bins**

- 6.16. Litter bins form an integral part of the Category Zone that they are located in. The operation of litter bin emptying shall consist of complete removal of all waste. The HMD Works Unit may use recyclable or recycled plastic bin liners at discretion to facilitate the task of litter removal and maintaining the cleanliness of the bin. Emptying shall include washing and disinfecting as necessary to assist in the removal of all traces of waste, and also to prevent mal-odours. The Contractor shall regularly clean and lubricate any locking or retaining mechanism and hinges to ensure their free movement. Litter bin lids, inserts and the like shall be securely fixed in position and locks where fitted must be made secure after emptying. Any fly posting on the bin or graffiti must be removed during the emptying operation.

### **FREQUENCY CLEANSING SUMMARY**

<b>Category Zone</b>	<b>Activity</b>	<b>Frequency</b>
Defined Urban Areas Zone 1	Thorough cleansing to achieve Grade A standard of cleanliness	Daily
Litter Bins	Thorough cleansing to achieve Grade A standard of cleanliness	Daily
Litter bins (addition)	Patrol late in the afternoon	Seasonal

### **Deep Clean Service / Power washing**

- 6.17. A deep clean of primary public realm areas within Bangor is implemented once annually. Additional power washing of public areas and pavements are delivered based on identified need within the proposed BID area.

### **Graffiti**

- 6.18. Property controlled or owned by Gwynedd Council - Gwynedd Council will remove graffiti including offensive or racist subject matter from buildings it owns or controls.
- 6.19. Private Property - Gwynedd Council will advise and assist property owners on the removal of graffiti from private property. Where applicable, a removal service can be provided subject to agreed conditions and recover of reasonably incurred costs.

## **7. Public Conveniences**

- 7.1. 2 Primary public conveniences in Bangor within the BID area @-

<b>Location</b>	<b>Opening Hrs</b>
Tan y Fynwent	7am – 7pm
Glanrafon	8am – 6pm

- 7.2. Public conveniences in Bangor have a dedicated team responsible for maintaining the facilities and cleanliness at these facilities throughout the day.

## **8. Grass Cutting and Gardening**

- 8.1. Within the BID area grass is maintained as follows :-
- High Standard
  - Medium Standard
  - Near 30mph areas

8.2. Bangor – Bible gardens and tan y fynwent. Locations outlined are maintained on average every 10 – 14 days, but this is partly subject to growing conditions. E.g. we can increase cutting during period of rapid growth, or reduce cutting in dry periods.

8.3. Shrubs will be pruned/shaped twice a year as standard. Additional pruning will be carried out as required to maintain safety

8.4. Grass is cut using different machinery depending upon access, e.g. pedestrian mowers are used in small areas, whereas the larger areas and parks are cut using ride on mowers and tractor mounted rotary units. Appendix 1 identifies the areas and cutting schedule - Bangor

**9. Highway conditions and inspections**

9.1. Highway Inspections - Safety inspections are designed to identify all defects likely to create danger or serious inconvenience to users of the network or the wider community. The frequencies of inspections are noted within Appendix 1 and are based upon the category of the carriageway

9.2. Category 1 Defect – Where prompt attention is required due to the defect representing immediate or imminent hazard. Make safe or instigate a 24hr repair. A high level of response of 2hrs is also available where reflects are considered to pose a particularly high risk.

9.3. Category 2 Defect – where the defect does not represent an immediate or imminent hazard. Repair during next available programme (minimal risk)

**10. Street Lighting Maintenance and Inspection**

Activity Type	Activity	Department Standard	Code of Practice Standard
Reactive	Response time for repairing Category 1 faults, damage to units from wind or impact damage and exposed wiring.	Make safe and repair at Category 1 Defect – attention when emergency within 2 hours when possible.	1 working day for emergency. 5 working days for non-emergency.
Preventative	Lamp changing	Individual change on failure.	Burn to extinction replace lamps to failures. Group lamp replacement subject to type of lamp.
	Lantern-internal and external	Visual Inspection annually, detailed as required.	To comply with group lamp replacement
	Column Painting	When required	When required but not exceeding 10 years.
	Structural Testing	Inspect visually annually but after 10 years old decide on structural testing	Visually inspect at each repair visit and as ILE Report No 22.
Conditioning Monitoring	Failed lighting or obstruction from foliage, vegetation or fly posting.	Night scouting patrols every 4 weeks. Response to 3 <sup>rd</sup> party reports.	Patrols every 14 calendar days and which may be longer in summer.
	Electrical inspection and	Scheduled in sequence of	At intervals of not exceeding 6

	testing.	cyclic maintenance at 6 year intervals or repair visit.	years.
--	----------	---	--------

## 11. Public realm asset management

- 11.1. Public realm assets receive regular, formal, condition inspections primarily for risk management purposes and to identify essential reactive maintenance works. Public realm assets may include – benches, bollards, statues, sculptures, fountains, litter bins, trees, etc. Frequency of inspections are determined by risk evaluations and asset management requirements and can be monthly, quarterly, 6 or 12 month basis. Condition inspections can also occur in response to reports of damage or incidents. Frequencies may be reviewed to reflect changes in circumstances.

### Her Gwynedd

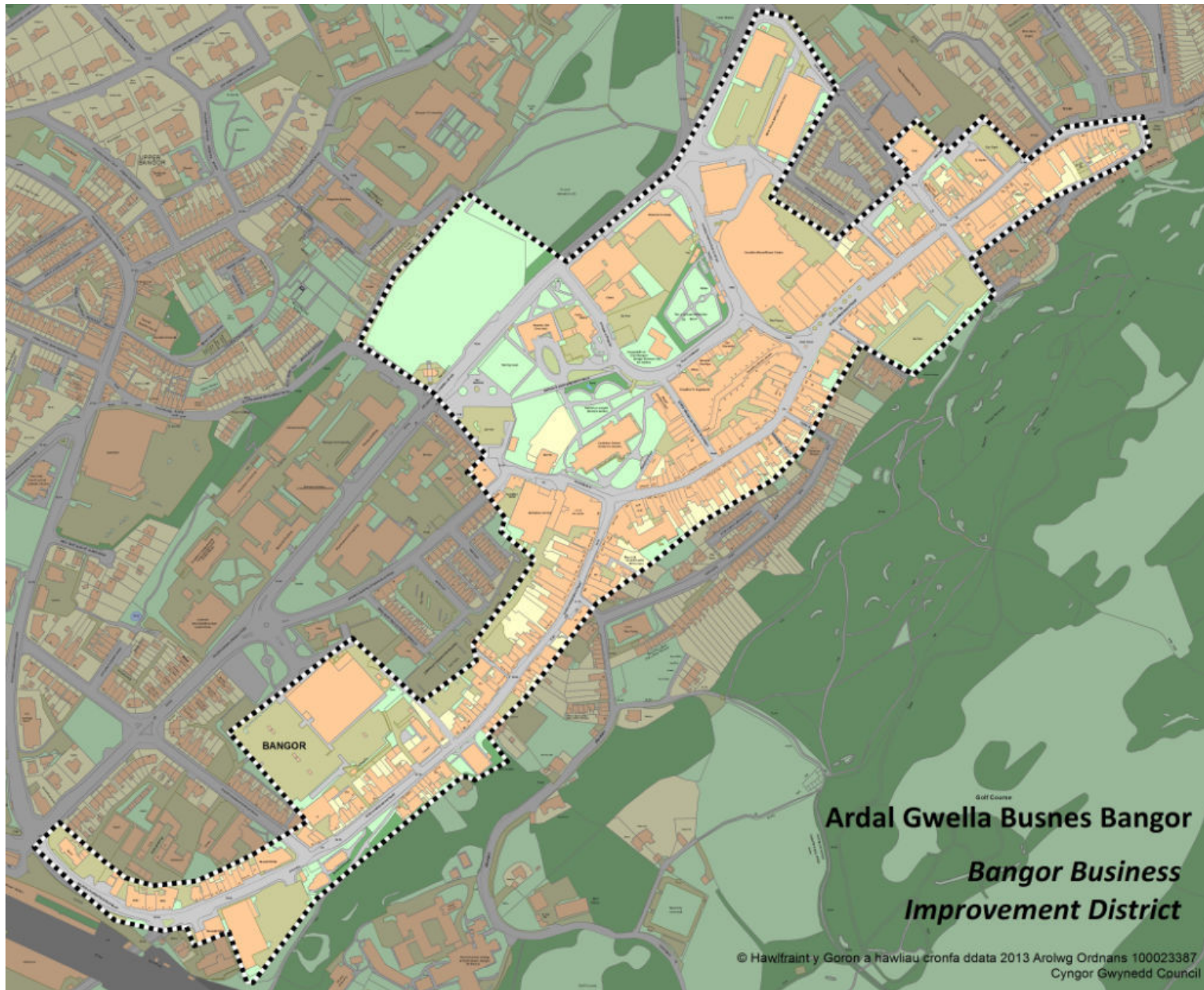
At a meeting of the full Council held on 3rd March 2016, Gwynedd councillors have approved the authority's budget for 2016/17 along with a financial strategy to address the significant financial pressure the Council faces over the coming years. To address this significant deficit, the Council has approved a strategy that aims to deliver over £14 million of additional efficiency savings over the next two years.

Services within the Highways and Municipal Department have been included within the identified cuts and efficiency savings: -

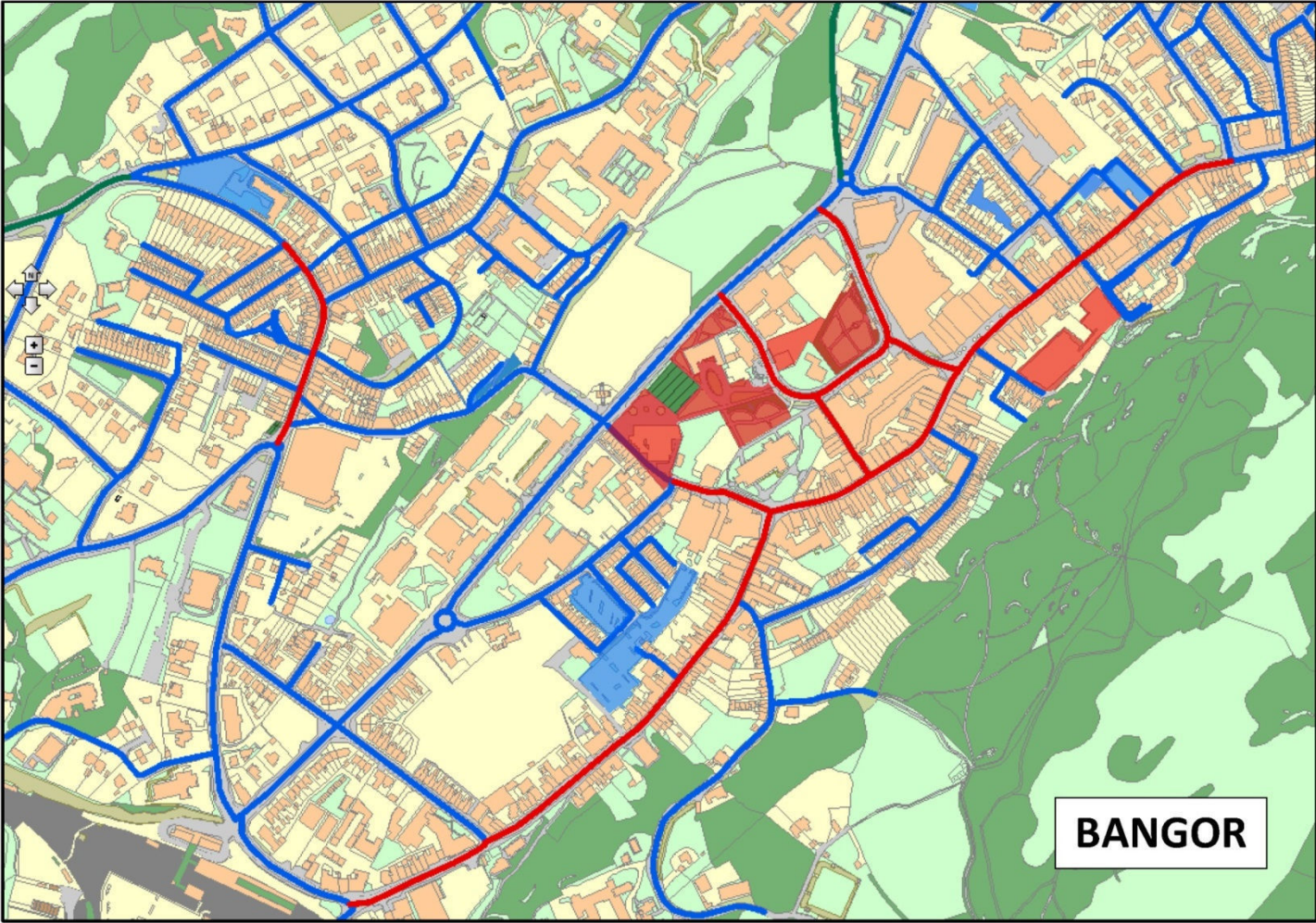
Public Conveniences – The proposed closure of 50 out of 73 public conveniences within Gwynedd has been approved. Approved cuts may result in public convenience closures within the BID area. Gwynedd Council and Highways and Municipal Department are currently developing plans to implement proposed cuts..

Gwynedd Council will inform the Business Improvement District of changes as they're implemented according to articles of the Baseline Agreement

# Bangor



Appendix 1 – Zones



**BANGOR**

STRYD/STREET	PARTH/ZONE	DWYSEDD/INTENSITY
Red line	Red area	UCHEL/HIGH
Blue line	Blue area	CANOLIG/MEDIUM
Green line	Green area	ISEL/LOW



# Code of Practice on Litter and Refuse and Associated Guidance 2007



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government



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# Introduction

## 1.0 Codes of Practice on Litter and Refuse

1.1 The Environmental Protection Act 1990 imposes duties under section 89(1) and (2) on certain landowners and occupiers (referred to throughout as 'duty bodies' and described in detail at section 3.2) to keep specified land clear of litter and refuse, and on local authorities and the Welsh Assembly Government to keep clean public highways for which they are responsible. This document provides a practical guide to the discharge of these duties.

1.2 This is the third Code of Practice on Litter and Refuse. The first was published in January 1991 by the Secretary of State under section 89(7) of the Environmental Protection Act 1990. It was substituted by a Code dated 1st June 1999 published by the Department for Environment, Transport and the Regions. These versions were both applicable to England, Scotland and Wales. This third revision replaces the previous Code - applicable in Wales only.

1.3 Part 1 contains a Code of Practice (referred to throughout as 'the Code') issued under section 89(7) of the Environmental Protection Act 1990. Where land is defaced by litter and refuse and action alleging dereliction of the section 89 duty is taken in court under section 91 or 92 of the Act, this Code is admissible in evidence in the proceedings.

1.4 It seeks to encourage duty bodies to maintain their land within acceptable cleanliness standards. The emphasis is on the consistent and appropriate management of an area to keep it clean, not on how often it is cleaned.

1.5 Previous Codes have referred to the issue of practicability. This Code seeks to outline in more detail what might be considered by a court of law to be practicable on different types of land. However, it will be for the court to agree what is appropriate in a particular instance.

1.6 Part 2 contains advisory standards for graffiti and fly-posting. Such defacement, even if partially removed, has an adverse affect on the quality of the environment and can lead to an increase in crime. Even if all of the litter and refuse were cleared, the public would perceive the area to be defaced if graffiti and/or fly-posting were still present. Whilst these standards do not form part of their statutory duties, it is recommended that all duty bodies, in managing the litter and refuse on their land, seek also to manage these issues.

1.7 Part 3 contains details of the legislative framework that surrounds this Code of Practice.

1.8 It is envisaged that this document can and should also act as a guide to other managers of land that are not subject to the section 89 duty, such as registered social landlords and arms-length management organisations, in the management of the land for which they are responsible.

## 2.0 Why you should be interested in this code

2.1 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; and
- How attractive areas are to workers, visitors and existing and new business investors.

Achieving and sustaining a high local environmental quality is important for all land managers, whether you are a business, a transport operator, a local authority, a landlord or an individual householder.

2.2 High local environmental quality 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;
- secure the approval of electors, for whom local environmental quality is a fundamental test of an administration's efficiency and effectiveness; and
- create environments that are more easily maintained and less subject to vandalism.

2.3 Your land can contribute to, and is affected by, litter on others' land.

This 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 from your land moves, blows or flows onto the land of others, and theirs onto yours. The Welsh Assembly Government, through this code, is encouraging good land management through the awareness of circumstances that will lead to increased litter and refuse at particular times.

2.4 Powers are available to require others to clear their land of litter. The Clean Neighbourhoods and Environment Act 2005 has extended a range of enforcement powers for local authorities to compel businesses, private land owners, occupiers and managers of land to recognise their role in contributing to the quality and appearance of the local environment.

2.5 The Welsh Assembly Government encourages the public to take more responsibility. Under the Clean Neighbourhoods and Environment Act 2005, enforcement powers have been extended and widened to help tackle problems such as the leaving of litter, dog fouling and a range of environmental crimes such as fly-tipping and graffiti. Local authorities have new powers to serve a Litter Clearing Notice on any land, requiring the occupier, or failing that, the owner, to clear litter from that land. If the notice is not complied with they can enter the land, clean up and then reclaim their costs (Part 3 contains further details on legislation). Duty bodies may find it helpful to encourage voluntary groups to assist in cleaning areas.

2.6 The Environmental Protection Act 1990 gives a person the right (under section 91) to take legal action to require a duty body to remove litter on its land where this falls below the acceptable standard set out in the Code for longer than the period specified. If the Magistrates' Court is satisfied that the duty body is in dereliction of its duty under section 89, it may make a Litter Abatement Order, requiring the duty body to clean up.

# Part 1: Code of practice on litter and refuse

Issued under section 89(7) of the Environmental Protection Act 1990

## 3.0 What are the duties?

3.1 Section 89(1) of the Environmental Protection Act 1990 places a duty on certain bodies to ensure that their land (or land for which they are responsible) is, so far as is practicable, kept clear of litter and refuse (defined in 5.0 below).

3.2 Section 89(2) places a further duty on the Welsh Assembly Government in respect of motorways and a few other similar public highways, and on local authorities in respect of all other publicly maintainable highways in their area, to ensure that the highway or road is, so far as is practicable, kept clean. This should where practical include the removal of detritus. However, the Assembly Government recognises that there are some practical difficulties in dealing with detritus which may make its removal a lower priority than other duties required under this code

## 4.0 Who do these duties affect?

4.1 These duty bodies are:

- Appropriate Crown authorities;
- Designated statutory undertakers;
- Governing Bodies of designated educational institutions;
- Local Authorities as respects any relevant highway for which they are responsible; and
- The Welsh Assembly Government as respects any trunk road that is a special road and any other relevant highway or road for which he is responsible; definitions of which are provided in section 86 of the Environmental Protection Act 1990.

4.2 These duties relate to the duty body's **relevant land** and **relevant highways/special roads**, definitions of which are provided in section 86 of the Environmental Protection Act 1990.

4.3 These duties are not transferable. If a duty body contracts a private company or another agency, for example a cleansing contractor or a community council, to carry out cleansing on its behalf, the duty body remains responsible if the land is not maintained to acceptable standards. Similarly, within Business Improvement Districts, the duty body for that land is still responsible for ensuring that the statutory requirements are met.

4.4 Previously, the duties also related to relevant land within a Litter Control Area, as defined under section 90 of the Environmental Protection Act 1990. The Clean Neighbourhoods and Environment Act 2005 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 that land of litter and take steps to prevent its reoccurrence of littering. For further details see Part 3.

## 5. What comprises litter and refuse?

5.1 The 1990 Act does not provide a comprehensive definition of litter or refuse, although the courts have considered the definition to be wide; (certain matters which are included are described in section 98(5A) - see 5.3 below). The following summarises common definitions used in cleansing contracts and is provided purely as a guide:

5.2 *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 (see section 5.7 overleaf) a single plastic sack of rubbish should usually be considered fly-tipping rather than litter.

5.3 Under section 98(5A) of the Environmental Protection Act 1990, certain discarded smoking-related materials (cigarette ends, etc.), and discarded chewing gum and the remains of other products designed for chewing, are specifically stated to be items of litter. However, whilst both are litter when they are dropped (i.e., the dropper could be prosecuted under section 87 of the Environmental Protection Act 1990 for leaving litter), the standards in the Code of Practice on Litter and Refuse do not apply to trodden-in chewing gum. Duty bodies are not required to employ special cleansing methods to remove compacted gum or gum staining over and above normal cleansing regimes.

5.4 *Refuse*. Refuse should be regarded as having its ordinary meaning of waste or rubbish, including household and commercial waste, and can include fly tipped waste. Dog faeces are to be treated as if they were refuse when on certain descriptions of public land<sup>1</sup>. (Dog fouling is a separate offence from littering.)

---

<sup>1</sup> The Litter (Animal Droppings) Order 1991 (S.I. 1991/961) issued under s.86 (14) Environmental Protection Act 1990

5.5 *Detritus*, which comprises small, broken down particles of natural materials, arrive at the site through the same displacement effects associated with mechanical, human, animal and natural actions, most of which also determine the distribution of litter. Detritus includes dust, mud, soil, grit, gravel, stones, rotted leaf and vegetable residues, and fragments of twigs 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. A significant and *avoidable* source of detritus is uncollected grass cuttings and weed growth from seeds germinating in moist detritus.

5.6 Large accumulations of detritus, built up over months and years, can contribute to the uncared for impression an area exudes. It is desirable, where practical that detritus on metalled highways should be removed to keep highways clean and from all other hard surfaces as well so far as is practicable. We recognise that duty bodies have invested their resources, quite appropriately, in tackling litter and refuse and many have not focused on detritus removal. Therefore, for the purposes of this code, detritus removal is a recommended standard only. However, this will be reviewed in due course and we expect duty bodies to review their current cleansing practices accordingly. (see 3.0).

5.7 *Fly-tipping*. The illegal disposal of controlled waste 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.

5.8 Defra and the Welsh Assembly Government has set up the Flycapture database to gather information on the scale of fly-tipping dealt with by local authorities and the Environment Agency. Flycapture has developed a working definition of fly-tipping that sets out a wide definition ranging from a single bin-bag up to thousands of tonnes of construction and demolition waste. As well as large incidents of fly-tipping Flycapture also records any items illegally dumped outside the standard waste collection times set by the local authority.

5.9 Local authorities deal primarily with small, localised incidents of fly-tipping while the Environment Agency Wales focuses its efforts on dealing with larger, more serious incidents. The Environment Agency Wales and the Welsh Local Government Association have agreed a voluntary fly tipping protocol to clarify this division of responsibilities.

## 6.0 The principle underpinning this code

6.1 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 will enable 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. It is good practice to make this information available to the public, for example, through publishing cleansing regimes.

6.2 The Welsh Assembly 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.

6.3 Public opinion tends to be shaped by a minority of sites - unsightly niches and areas where litter may be trapped due to the nature of the environment itself. For most responsible bodies, good management is therefore simply about managing the minority of locations for short periods of time, as well as maintaining a consistent overall cleansing strategy.

6.4 All duty bodies are encouraged to adopt suitable monitoring systems. Local authorities report to the Welsh Assembly Government on the cleanliness of the land for which they are responsible Street Scene Cleanliness indicator - Cleanliness of Highways and Relevant Land (STS/C/F/005/01-001) and so collect data across different times of year and across different types of land use. This provides valuable data to enable land managers to identify sources and causes of problems, and take the correct course of action. The Local Environmental Audit Management System has been developed as an efficient monitoring systems for particular environmental situations. The methodology is freely available from Keep Wales Tidy.

6.5 This Code introduces a revised set of recovery times for restoring local environmental standards for litter, refuse and advisory standards for detritus, if they fall below the prescribed standard. However, these should be regarded as a last resort as the levels should be maintained above an acceptable standard at all times.

## 7.0 Grades of cleanliness

7.1 The graded standards shown below are as defined in the original Code of Practice on Litter and Refuse issued under section 89(7) of the Environmental Protection Act 1990. This revised code of practice includes an additional standard, B+. These grades also correspond to the scales used by local authorities for recording levels of street cleanliness for Street Scene Cleanliness indicator - Cleanliness of Highways and Relevant Land STS/C/F/005/01-0011 (STS 005).

For litter and refuse:

Grade A: No litter or refuse

Grade B+: No more than 3 small items of litter

Grade B: Predominately free of litter and refuse apart from some small items

Grade C: Widespread distribution of litter and/or refuse with minor accumulations

Grade D: Heavily affected by litter and/or refuse with significant accumulations

7.2 These standards may be applied to any site for litter and refuse, using the following principles.

**NB:** Although the nature and characteristics of land may vary the principles on which the litter, refuse and detritus are graded remain the same. The photos that follow in 7.7 demonstrate graphically how these principles appear against different backgrounds.

- Grade **A** means that no litter, refuse, is present in the area.
- Grade **B+** means that there is some but a very small amount of litter present in the area.
- The presence of small items of litter, refuse downgrades the environment to a **B**.
- The presence of litter and/or refuse that is significant enough to form a few minor accumulations (grade **C**) or significant accumulations (grade **D**) is regarded as unacceptable.

7.3 It is recognised that a grade A cannot be maintained at all times, and the presence of a few small items of litter and refuse, not yet accumulating, are regarded by the public as acceptable for short periods of time. It is expected that managers of land should, through monitoring and the appropriate use of resources, keep their land clear of litter and refuse so that it does not fall below a grade B and is cleansed to an A on a regular basis. It is recommended that metalled highways should be free from detritus after cleansing (to a grade A).

The inclusion of the recommendation that all hard surfaces be cleansed to be free from detritus in this code seeks to ensure that thorough cleansing is carried out on a regular basis. Without this, an area still appears dirty.

Recommended standard for detritus:

- Grade A:** No detritus
- Grade B+:** No more than 3 items of detritus
- Grade B:** Predominately free of detritus except for some light scattering
- Grade C:** Widespread distribution of detritus with minor accumulations
- Grade D:** Heavily affected by detritus with significant accumulations

7.4 It may not be practicable to remove all litter items from some softer or non-metalled surfaces, such as grass or sand, and in these cases a grade B would be acceptable.



7.5 Where vegetated and metalled surfaces abut without clear kerb edging, for example a grass verge leading onto a rural road, land managers should make a judgement as to the definitive edge of the metalled surface. The extent of detritus is then comprised of the amount of encroachment onto the metalled surface from this definitive edge. It should be regarded as good practice to cut back any vegetation that encroaches upon a metalled surface, and detritus can be managed with an effective sweeping regime. Although a grade A may not be achievable in every circumstance, it is expected that an acceptable grade (grade B) be achieved on the exposed metalled surface of a road or highway. Mud and skim from flooding are separate issues.

7.6 Land Managers should be able to predict times or situations that lead to greater fluctuations in likely disposal patterns and prepare for them appropriately. Land Managers should also consider shaping their monitoring to enable them to respond quickly to potentially dangerous items such as glass or drug needles, or to sensitive areas such as playgrounds.

7.7 Pictorial examples of the grading principles in different settings

#### **SET A: litter and refuse in both relevant highway and hard surface setting**

- Grade A - No litter or refuse
- Grade B+ - No more than 3 items of litter
- Grade B - predominately free of litter and refuse apart from some small items
- Grade C - Widespread distribution of litter and/or refuse with minor accumulations
- Grade D - Heavily affected by litter and/or refuse with significant accumulations.

#### **SET B: litter and refuse in a soft surface setting**

- Grade A - No litter or refuse
- Grade B+ - No more than 3 items of litter
- Grade B - Predominately free of litter and refuse apart from some small items
- Grade C - Widespread distribution of litter and/or refuse with minor accumulations
- Grade D - Heavily affected by litter and/or refuse with significant accumulations

### SET C: Advisory principles of detritus

- Grade A - No detritus
- Grade B+ - No more than 3 items of litter
- Grade B - Predominantly free of detritus except for some light scattering
- Grade C - Widespread distribution of detritus with minor accumulations
- Grade D - Heavily affected by detritus with significant accumulations

### 7.7 Pictorial examples of the grading of principles in different settings

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

##### Grade A No litter or refuse



##### Grade B+ No more than 3 small items of detritus



##### Grade B Predominately free of litter and refuse apart from some small items



##### Grade C Widespread distribution of litter and/or refuse with minor accumulations



**Grade D**

**Heavily affected by litter and/or refuse with significant accumulations**



Set B: Litter and refuse in a soft surface setting

**Grade A**

**No litter or refuse**



**Grade B +**

**No more than 3 small items of litter**



**Grade B**

**Predominately free of litter and refuse apart from some small items**



**Grade C**

**Widespread distribution of litter and/or refuse with minor accumulations**



**Grade D**

**Heavily affected by litter and/or refuse with significant accumulations**



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

**Grade A**

**No Detritus**



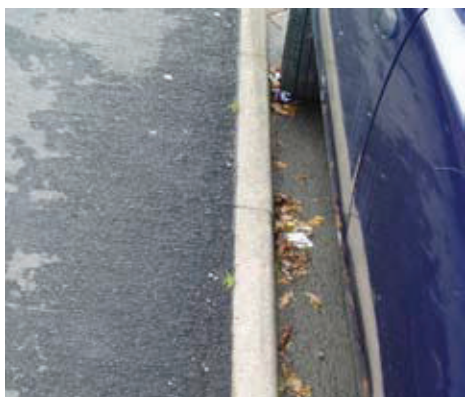
**Grade B+**

**No more that 3 small items of detritus**



**Grade B**

**Predominately free of detritus except for some light scattering**



**Grade C**

**Widespread distribution of detritus with minor accumulations**



## Grade D

### Heavily affected by detritus with significant accumulations



## 8.0 Zones

8.1 The speed and intensity of the accumulation of litter and refuse in an area depend on a large number of factors. These can include the levels of pedestrian and vehicular traffic, natural physical features and location, the weather, the time of year, the nature of the surface of the terrain, the structural and physical items that affect the ability to clean, and the nature and condition of the surrounding areas. All of these must be accounted for when analysing the most effective cleansing strategy.

8.2 However, there are two most common features that will have an impact on the levels and frequency of attention that needs to be paid to an area to keep levels of litter and refuse to acceptable standards. These are:

- the intensity of activity in the area, from people and vehicles; and
- health and safety limitations.

8.3 As such, this revised Code has re classified the different types of land managed by duty bodies into four main zones, based on these two variables. It is anticipated that this will help to guide duty bodies on the intensity of management required.

- **High intensity of use** (busy public areas)
- **Medium intensity of use** ('everyday' areas, including most housing areas occupied by people most of the time)
- **Low intensity of use** (lightly trafficked areas that do not impact upon most people's lives most of the time)
- **Areas with special circumstances** (situations where issues of health and safety and reasonableness and practicability are dominant considerations when undertaking environmental maintenance work)

8.4 Duty bodies should allocate land into one of these four zones and manage it accordingly. **Table 1 below** (pages 21-25) indicates the types of land within each category.

8.5 More detailed descriptions of land uses and accompanying management notes are listed in section 11 below.

8.6 If in doubt, categorise a land use into the same zone as the dominant land uses around it. For example, a park located within a housing area should be managed as a medium intensity zone. A road would be designated as a high intensity zone whilst running through a primary or secondary retail and commercial centre, a medium intensity zone in the suburbs and a low intensity zone once in the countryside. Hotspots (for example within 200m of entrances of car parking areas) in busy public parks, that are national tourist attractions located in rural areas, should be classified as high intensity in order to be managed effectively. However, this may vary due to local circumstances and/or seasonal variations.

8.7 Duty bodies are expected to publish details of these zones for their land and make them available to the public on request.

**8.8 All duty bodies in an area should consult together and develop an integrated approach to zoning. This should be led by the Principal Litter Authority and zoning should be completed within 1 year of commencement of the new Code's coming into effect.**

It is recommended that any subsequent zoning or re-zoning is done after a period of consultation. In particular, any body under the duty should consult the Principal Litter Authority when changing an existing zone or when zoning previously un-zoned areas.

8.9 In some cases these land uses may integrate with areas for which other duty bodies have responsibility, such as suburban transport centres, or land adjacent to canals. In these cases, respective zones of responsibility should be clearly defined. Partnership working is recommended as a way to manage such areas.

## 9.0 Timings

9.1 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.

9.2 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.

9.3 If, in managing the litter and refuse, land managers judge it necessary to work outside normal working hours, the duty body should administer a consistent policy to this effect. For example, in areas with a lively night-time economy, or which are obstructed by people or vehicles during the day, it may be far more efficient to carry out daytime operations to manage the levels to acceptable standards and carry out thorough cleansing regimes outside normal working hours.

9.4 As a last resort, if acceptable standards of litter and refuse are not met, response times have been set for each of the four categories by which land must be returned to an acceptable standard.

9.5 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) or a Litter Abatement Notice (section 92) issued under the Environmental Protection Act 1990. Further details on legislation can be found in Part 3.

Response times:

<b>High intensity of use</b>	<b>Medium intensity of use</b>	<b>Low intensity of use</b>	<b>Special circumstances</b>
1/2 a day This means by 6pm if reported before 1pm or by 1pm the next duty day if reported between 1pm and 6pm on the previous day	1 day This means by 6pm the following evening	14 days	28 days or as soon as reasonably practicable

Table 1 - Type of zone

	<b>High intensity of use</b>	<b>Medium intensity of use</b>	<b>Low intensity of use</b>	<b>Special</b>
<b>Nature of the area</b>	Areas which, through intense pedestrian and/or vehicular movements, are prone to fluctuations in litter and refuse and require both high levels of monitoring and frequent cleansing	Areas affected by moderate levels of pedestrian and vehicular activity and therefore less prone to fluctuations in litter and refuse, usually situated outside centres of retail or commercial activity, but used regularly by members of the public	Areas subject to low or infrequent levels of pedestrian and vehicular activity and therefore less prone to fluctuations in litter and refuse, often located in more rural areas	Types of land where issues of health and safety and reasonableness and practicability are dominant considerations when undertaking environmental maintenance work (includes legislative restrictions for all land types)
<b>Maximum response time to restore to grade A standard if it falls below grade B</b>	1/2 a day This means by 6pm if reported before 1pm or by 1pm the next duty day if reported between 1pm and 6pm on the previous day	1 day This means by 6pm the following evening	14 days	28 days or as soon as reasonably practicable



Table 1 Cont - Type of land (duty applies to relevant land/highways within these categories - refer to specific guidance in section 11)

	<b>High intensity of use</b>	<b>Medium intensity of use</b>	<b>Low intensity of use</b>	<b>Special circumstances</b>
<b>Retail, office and commercial (see section 11.1)</b>	Primary and secondary retail, office & commercial areas	Primary and secondary retail, office & commercial areas		
<b>Housing land (see section 11.2)</b>		Areas of housing (except those located within primary or secondary retail, office & commercial areas which fall within high intensity areas)		
<b>Industrial areas (see section 11.3)</b>		Industry/ warehousing/ retail parks		
<b>Roads (see section 11.4)</b>	Main roads and other highways running through the above areas	Main roads and other highways running through the above areas	Rural roads and other highways running through the above areas  Motorway and trunk road roundabouts and lay-bys, approach and slip roads connecting to these roads	Carriageway, verges and central reservations of motorways and trunk roads

Table 1 Cont

	<b>High intensity of use</b>	<b>Medium intensity of use</b>	<b>Low intensity of use</b>	<b>Special circumstances</b>
<b>Transport interchanges (see section 11.5)</b>	Publicly accessible areas in and around transport interchanges in busy public areas (most likely to be major airports, ports, harbours, bus, train, and tram passenger stations in cities and town centres, and car parks)	Publicly accessible areas in and around transport interchanges located in these areas (most likely to be suburban and important town harbours, bus, train and tram interchanges, car parks and haulage operations)	Public areas in and around transport interchanges located in these areas  Also, Operational rail land between platforms and within 100m of platform ends	Operational rail land within urban areas, not covered by other zones
<b>Educational land (see section 11.7)</b>		Land of designated educational institutions (most commonly schools, colleges and universities), during term-time, other than weekends or half-term holiday	Land of designated educational institutions (most commonly schools, colleges and universities), when being used for a purpose authorised by governing body or land managers during holidays	

Table 1 Cont

	<b>High intensity of use</b>	<b>Medium intensity of use</b>	<b>Low intensity of use</b>	<b>Special circumstances</b>
<b>Public open spaces (see section 11.6)</b>	Parks and open spaces located in busy public areas, or with strategic national importance, or parts of other open spaces subject to high intensity of use	Parks and open spaces located in areas as described above, or parts of other open spaces subject to medium intensity of use	Parks and open spaces located in areas as described above, or parts of other open spaces subject to low intensity of use	
<b>Waterside land (see section 11.8)</b>	Waterside land in areas with high intensity of use	Waterside land in areas with medium intensity of use	All other waterside land	
<b>Beaches (see section 11.9)</b>				Amenity beaches should be generally clear of all litter and refuse between 1 May and 30 September inclusive. Individual local authorities should decide the level of cleanliness that they are able to provide to any non-amenity beaches, and where practicable, beaches must be inspected from time to time and cleaned as necessary
<b>Other areas</b>	Other busy public areas		All other areas	

9.6 There will be circumstances, which, in the interests of responsibility and/or health and safety, require land managers to respond far quicker than the maximum response time. For example, should drugs needles be found on a school playground, or any items of litter be found on an airport runway, it is expected that these objects be removed as a matter of priority, well before the maximum response time. It is recommended that for drug-related litter, duty bodies respond within 3 hours of a report.

9.7 When there is an accumulation of material that is potentially hazardous to health (for example waste food), duty bodies should remove this at the earliest practicable opportunity.

9.8 Response times will be subject to overriding requirements, especially in relation to health and safety and traffic management, where the regulations or procedures laid down in the relevant legislation must be adhered to in the first instance.

## 10.0 Practical issues

10.1 The time periods given in Table 1 are maximum response times for cleaning an area that has become adversely affected by litter, refuse, and/or detritus (where applicable).

10.2 The caveat in the litter duty concerning practicability is very important. On some occasions, circumstances may render it impracticable for the body under the duty to discharge it. It is for the courts to agree whether or not it was impracticable for a person under the duty to discharge it. Examples where it may be considered impracticable to clear within duty timescales include:

- when there are severe weather conditions;
- when special events present practical difficulty in meeting the response times;
- health and safety considerations;
- to avoid damage to sensitive areas (can include natural habitats and heritage sites as well as, for example, the need to preserve forensic evidence at a crime scene);
- where advance notice is required for traffic management.

Every effort must be made to clear the land at the earliest opportunity. See section 11.0 for further information on practicability issues pertaining to each land type/highways.

10.3 The courts should also take into account action taken through other legislation, such as Street Litter Control Notices or Litter Clearing Notices.

## 11.0 Detailed descriptions of land uses

11.0.1 This section provides more detailed descriptions of the types of land referred to in Table 1, and, where appropriate, specific notes on the discharge of the duty and issues of practicability.

11.0.2 Annex A contains the full land use category descriptions used by local authorities under the STS/C/F/005/01-001 sampling regime. It aims to provide those already using these land use categories with an easy reference and others with an extended description of the type of land included within the land use type.

### 11.1 Retail, office and commercial areas

11.1.1 This category includes all city and town centre areas and should include all of the main town and city retail, office and commercial centres, as defined in local authority Development Plans (or Local Development Frameworks), as well as busy tourist hot spots outside central areas. It should also include secondary retail, office and commercial areas (that have a frontage of over 50 metres), often located in areas of housing or smaller towns and villages. Out-of-town retail parks and industrial estates are not included in this category (see 11.3.1 below).

### 11.2 Housing land

11.2.1 This category includes all (relevant) land primarily used for housing, with the exception of housing located within busy town and city centres, which should be included within the Retail, Office and Commercial category.

### 11.3 Industrial areas

11.3.1 This category includes land within industrial and warehousing developments, out-of-town retail parks and science parks, as well as the roads running through them.

11.3.2 Some large industrial estates have honey pot sites around a number of mobile or fixed establishments selling food, or can be known fly-tipping sites that should be managed as a high intensity zone.

### 11.4 Roads

11.4.1 This category covers certain types of highway - motorways, trunk roads, and those defined as main roads, rural roads and 'other highways' according to STS/C/F/005/01-001. Rights of way that are publicly maintainable will fall into the rural roads category in rural areas except where they are defined as 'other highways'. Relevant highways falling outside these definitions should be zoned according to the surrounding land use.

**11.4.2** The duty relating to relevant highways under section 89 of the Environmental Protection Act 1990 is that they should also be kept clean, not just clear of litter and refuse. In practice, the code therefore recommends the removal of detritus from metalled highway surfaces, and recommends its removal from all other hard surfaces.

**11.4.3** Care should always be taken to ensure that debris, detritus, and other materials are not left to become a danger to road users by accumulating to; block channels, gullies and cause flooding; encourage weed growth; or become compacted. The seasonal variations in such accumulations should be taken into consideration when formulating cleaning regimes. The difficulty of removing seasonal leaf fall is recognised in the definition of detritus, which only covers leaf fall that has substantially broken down. Extensive deposits of mud and slurry arising from farms, forestry and construction activities may present practicability issues, especially in rural areas, to which the principles in section 10.0 apply.

**11.4.4** Broadly speaking, in accordance with the Environmental Protection Act 1990, the Welsh Assembly Government is responsible for ensuring that motorways and a small number of all-purpose trunk roads are kept litter-free. Certain statutory instruments have created trunked or de-trunked roads. The responsibility for litter clearance on the rest of the trunk road network lies with the relevant local authorities.

**11.4.5** Main roads and 'other highways' including, for example, dedicated cycle ways, lay-bys, and redundant highway infrastructure still accessible to the public, should fall into high or medium intensity zones depending on the surrounding land use. Rural roads and 'other highways' in rural areas fall into the low intensity zone.

**11.4.6** Sections of motorways and trunk roads where vehicle speeds tend to be lower and traffic less frequent fall into the low intensity zone, namely roundabouts at motorway and trunk road intersections, run-on and run-off roads, and lay-bys on trunk roads. Other areas of motorways may be subject to the following health and safety considerations.

**11.4.7** On motorways, where safety issues are paramount, it is recommended that cleansing is always carried out alongside routine maintenance to aid maintenance of standards. The issues of practicability pertaining to motorways are recognised, but examples of good practice in regular operation include the use of moving blocks, or scavenging crews, which have proved to be effective in tackling littered areas. Some areas with slower traffic flows such as on-off roads and roundabouts are often the most littered but are actually easier to manage than areas with less refuge and higher traffic speeds such as central reservations.

**11.4.8** In general, land managers should identify times at which roads are least busy or obstructed and cleansing should be carried out at these times. This may mean working outside normal working hours.

11.4.9 On roads where high levels of vehicle obstruction occur most of the time, for example, those located within areas of high density housing, appropriate cleansing strategies must be used, for example, manual sweeping.

11.4.10 It should be possible for land managers to set up effective cleansing strategies to manage levels of litter and refuse above acceptable standards, and carry out thorough cleansing with appropriate equipment, as required, during times with lower levels of traffic flow and/or obstruction.

11.4.11 Section 89(5) requires local authorities to place appropriate traffic signs and barriers on the highway or road to warn or regulate traffic when exercising their litter duty. Section 89(6) also requires local authorities to comply with any directions from the highway authority in respect of both the placing of such signs and barriers and of days or periods during which clearing or cleaning must not be undertaken. Additionally, section 89(6) allows local authorities to apply to the highway or roads authority asking it to exercise its powers to make temporary traffic regulation orders to restrict or prohibit the use of the road to allow cleaning and the clearance of litter and refuse to take place.

11.4.12 In relation to 11.4.11 above, the duty body will need to liaise with the highway authority to identify and agree suitable arrangements. These considerations arise particularly in relation to motorways and strategic routes that are subject to continuously heavy traffic flows. Wherever possible, agreement should be reached on the co-ordination of highway maintenance and cleansing activities, to help improve efficiency and service standards.

## 11.5 Transport interchanges

11.5.1 Transport interchanges are the interchange between two or more modes of transport, such as major transport centres including railway stations, bus stations, taxi ranks, ports and airports as well as any approach roads, landscaped areas, and car parking facilities within them. Non-operational land, to which the public has access, such as platforms in railway stations and approach roads and areas, would not normally be expected to be subject to special considerations relating to health and safety. Some health and safety caveats apply to operational railway land, ports and airports, addressed in section 11.5.6 and 11.5.7 below. For more information, please see the Welsh Assembly Government's guidance on litter available on [www.wales.gov.uk/environment](http://www.wales.gov.uk/environment)

11.5.2 Relevant land in this land use will fall under the direct responsibility of duty bodies named under the Litter (Statutory Undertakers) (Designation and Relevant Land) Order 1991 (S.I.1991/1043). The designated statutory undertakers include train and tram operators, road transport undertakings (other than taxi or hire cars), canals, ports, docks, harbours, piers or airports.

11.5.3 Relevant land in this category may also fall under the direct responsibility of Principal litter authorities.

11.5.4 Responsibility for transport interchanges and the land around them has been transferred between different companies and agencies a number of times since this duty came into force under the 1990 Act. It is important, when carrying out such a transfer, that responsibility for all areas of land, including adjacent car parks and landscaped areas, are noted in the documents of transfer to avoid inconsistencies later.

11.5.5 The predominant land use around public transport facilities will determine the cleanliness standards and response times expected of the duty body, in addition to the general levels of usage. For instance, a bus station in a central business district, or a major international airport, would form a high intensity area. A small railway station in a rural area would fall into a low intensity zone.

#### 11.5.6 Issues relating specifically to railway land:

- Areas of railway land to which the public are permitted to have access, which include station forecourts, platforms and public land adjacent to the station, should not normally be subject to significant health and safety caveats so as to preclude management of litter and refuse to acceptable levels.
- Operational land up to 100m beyond the platform ends at railway stations and between platforms is subject to a 14-day response time to allow for possible delays due to health and safety considerations. It is felt that this time is sufficient to clear such land, should the levels of litter and refuse fall below acceptable levels between regular cleansing cycles.
- It is recognised that operational land within urban areas may be subject to greater health and safety considerations, but duty bodies are expected to combine management of litter and refuse with routine track maintenance work so as to avoid significant accumulations of litter and refuse. Any significant accumulations should be removed at the earliest opportunity.
- In areas where the origin of litter or refuse is external to railway activities, the duty body may consider it appropriate to make clearance arrangements on a partnership basis involving the railway undertaking, local authorities and amenity groups.
- Access to railway land is subject to strict controls, and local authorities must not under any circumstances enter nor purport to authorise entry by any person. Only the railway undertaker concerned is in a position to authorise entry by persons in possession of appropriate railway safety certification meeting the requirements of undertaker's Railway (Safety Case) Regulations 2000 (S.I. 2000/2688).



### 11.5.7 Issues relating specifically to ports and airports:

- Access to ports and airports is strictly controlled because of the risks to safety and security; in particular, access to the airside at commercial airports and access into restricted areas of ports is subject to stringent security checks. The port authority or airport authority responsible for the site must therefore always be contacted with regard to accessing such land.

## 11.6 Public open spaces

11.6.1 This land use type includes a wide range of open spaces to which the public has access. Sites include parks, picnic sites, and municipal cemeteries.

11.6.2 Public open spaces experience varying levels of patronage, often determined by their location or national/regional reputation. As an example, public open spaces located in intensely used zones should be managed closely as they will be subject to the same fluctuations in pedestrian, and in some cases, vehicular, flows, as the surrounding area. The same rule should be used for the other zones. Some hotspots in the less intensely used open spaces, such as car parks or information points, should be zoned as higher intensity zones in order to manage the likely fluctuations in littering appropriately.

11.6.3 Duty bodies will need to have regard to relevant guidance relating to protected areas such as Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty and National Parks.

## 11.7 Educational land

11.7.1 This duty applies to land in the open air and under the direct control of the governing body of designated education institutions. Broadly, universities, publicly funded colleges of higher or further education and schools are designated for the purpose of this duty, but for full details see section 98(2) Environmental Protection Act 1990 and the Litter (Designated Educational Institutions) Order 1991 (S.I.1991/561).

11.7.2 In developing their management strategies, land managers should anticipate the changing intensity of use throughout the year, together with the likely impacts of the different users (students studying during term-time, visiting students, other visitors).

11.7.3 Duty bodies should also take into consideration the impact of their land on the land around it, particularly at key times of the day or year, and seek to work with neighbouring duty bodies to address some of these impacts through awareness-raising or more practical activities. Litter trails from schools to local shops and the impact of residential university students on litter and waste collection in specific areas can significantly increase the management requirements for other duty bodies as well as on education land itself.

## 11.8 Waterside land

11.8.1 This land use includes canal waterways, marinas, inland navigation towpaths and towpaths to which the public has access in urban areas.

11.8.2 Under the Litter (Statutory Undertakers) (Designation and Relevant Land) Order 1991 (S.I.1991/1043), land adjacent to an unpaved towpath or adjacent to a paved towpath where the paving extends for a length of less than 1 kilometre is not to be treated as relevant land of any designated statutory undertaker.

11.8.3 The growing number of waterside areas located within high intensity of use areas, such as leisure areas comprising bar and restaurant developments, visitor attractions or honey pot sites, are upgraded to a high intensity zone. Likewise, waterside areas experiencing medium intensity of use or located within a medium intensity zone, would be zoned as a medium intensity zone. This will enable them to be managed appropriately to address the levels of use and high fluctuations of litter and refuse likely to relate, in particular, to the weather and the time of day.

11.8.4 In areas where the origin of litter or refuse is external to the activities of the canal or inland navigation undertaking, the duty body may consider it appropriate to make clearance arrangements on a partnership basis involving the undertaking, local authorities and amenity groups.

11.8.5 Duty bodies responsible for canals, marinas and towpaths should aim to cleanse hard surfaced areas to a grade A where practicable. A grade B is sufficient as a standard for areas subject to issues of practicability such as access, physical restrictions due to design or nature of the environment, or areas that are ecologically sensitive where a minimum, if any intervention is required.

11.8.6 Secluded areas such as underneath canal bridges or near waterside buildings are particularly likely to attract individuals taking drugs, and therefore be susceptible to higher levels of drugs litter.

It is recommended that canals and related areas should be subject to regular and systematic management and monitoring.

## 11.9 Beaches

11.9.1 Duty bodies responsible for beaches include Principal litter authorities and Crown Authorities.

11.9.2 This land use includes Amenity Beaches (including inland beaches where substantial numbers of bathers or beach users may congregate). As a minimum standard, Amenity Beaches should generally be kept clear of all types of litter and refuse between 1st May and 30th September inclusive. It is expected that during this time of the year, beaches be subject to a frequent monitoring routine and be cleansed to as practicable

a standard as possible. The Code recognises that a grade A is not always achievable, due to the terrain and conditions in a beach environment. A grade B would be a suitable cleanliness standard under these circumstances.

**11.9.3** Due to changing holiday and climatic patterns, beaches are increasingly being used outside of the traditional bathing season of May - September.

Although the duty does not extend beyond the bathing season, it is recommended as good practice that duty bodies are aware of the different nature of beaches within their area, that they carry out a regular monitoring programme of those beaches and develop an appropriate cleansing regime.

**11.9.4** By virtue of the Litter (Relevant Land of Principal litter authorities and Relevant Crown Land) Order 1991 (S.I.1991/476), land below the place to which the tide flows at mean high water springs is not to be treated as relevant land of Principal litter authorities or as relevant Crown land. Again, it is recommended as good practice that duty bodies are aware of the impact of litter in the inter-tidal area, and where appropriate, carry out cleansing.

**11.9.5** Local authorities should identify those beaches for which they have responsibility, which might reasonably be described as “amenity beaches” which constitutes a beach adjoining an identified bathing water, between 1st May and 30th September. Any assessment should take into account the level of use of the beach for recreational purposes.

**11.9.6** The duty applies to items or materials originating from discharges directly to the marine environment as well as discarded items from beach users. As a guide, only litter comprising manufactured or processed items of materials that have been discarded, disposed of or abandoned, by intent or accident, should be removed. Litter should include processed food items but it does not include seaweed or twigs, which contribute to maintaining the local ecosystem.

**11.9.7** There may be issues of practicability relating to litter removal from beaches and particular care will be needed in respect of sensitive habitats.

## **11.10 Other areas**

**11.10.1** This category represents all other areas of relevant land under the duties under the 1990 Act not classified within any other type of land in section 11 above. These areas should be managed according to the intensity of use of the surrounding land and zoned accordingly.

# Part 2: Advisory standards for graffiti and fly posting

## 12.0 Introduction

12.1 This section is intended to set out advisory standards for graffiti and fly-posting, to detail what grades A-D look like for each standard. Duty bodies are not required to effect the advisory standards listed below. However, it is recommended that all duty bodies seek to manage these problems in the course of discharging their section 89 duties, and to work with other land managers in order to achieve standards of cleanliness (as perceived by the public) across all land types regardless of ownership.

12.2 Incidents of these types of environmental crime may not be as widespread as those of litter, refuse or detritus, but their presence on the appearance of the local environment, can lead to further degradation of the area and an increase in the fear of crime. Duty bodies can clear an area of litter, refuse and detritus, but from the public's point of view, the local environment feels far from clean.

12.3 Local authorities should always remove graffiti and fly-posting from public property. They should also work with private property owners to seek the removal of graffiti and fly-posting to the standards set out in this section. Powers are available to local authorities to require the removal of fly-posters and graffiti in certain circumstances. These are detailed in Part 3 of this document.

12.4 Acceptable standards for graffiti and fly-posting are grade B and above. Wherever possible, they should be removed completely so that there is no trace, to a grade A standard.

## 13.0 Standards for graffiti and fly posting

13.1 Graffiti. Any informal or illegal marks, drawings or paintings that have been deliberately made by a person or persons on any physical element comprising the outdoor environment, with a view to communicating some message or symbol etc, to others.

**Grade A** The local environment is completely free of graffiti.

**Grade B+** there should be no more than one piece of graffiti, very minor extent and people passing through the local environment would not notice it.

- 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 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.
- 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.

13.2 It is recommended that duty bodies should aim to prioritise the removal of offensive or racist graffiti within 24 hours.

13.3 **Fly-posting.** Any printed material and associated remains informally or illegally fixed to any structure. It excludes formally managed and approved advertising hoardings and valid, legally placed signs and notices. It includes any size of material from small stickers up to large posters - often advertising popular music recordings, concerts and other events.

**NB:** This *excludes* business cards and handbills placed under vehicle windscreen wipers and door handles<sup>2</sup>; illegal displays on movable objects such as advertising 'A boards'; and billboards on movable bases on farmland, 'barrage balloons' etc.

- Grade A** The local environment is completely free from fly posting.
- Grade B+** There should be no more than one piece of flyposting, very minor extent and 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** 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** 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.

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<sup>2</sup> These items do not fall under the Town and Country Planning Act 1990 restrictions, but where they have been discarded they will form a component of litter.

# Part 3: Legislation to support the Code of Practice

## 14.0 Introduction

14.1 The Code of Practice on Litter and Refuse is issued by the Secretary of State under section 89 of the Environmental Protection Act 1990. This section of the Act imposes a duty on certain bodies to keep relevant land and highways for which they are responsible, clear and clean of litter and refuse so far as is practicable. However, the Environmental Protection Act 1990 (as amended by the Clean Neighbourhoods and Environment Act 2005) is only one part of a raft of legislation available to duty bodies to help maintain land within acceptable levels of cleanliness. Code of Practice users may find the following information on other legislation available useful in tackling problems relating to litter and refuse.

14.2 **Section A** outlines the legislation available to individuals and authorities who consider that duty bodies are not meeting their duties under section 89.

**Section B** details the main powers available to land managers to prevent littering.

**Section C** outlines the legislation available to help to tackle litter and refuse on private land.

**Section D** outlines the legislation available to manage dog fouling.

**Section E** outlines the legislation available to manage graffiti and fly posting. This section must not be seen to be comprehensive, and it does not constitute legal advice. Full legislation is available through [www.opsi.gov.uk](http://www.opsi.gov.uk). If you wish to take advice or pursue a case, you must seek independent legal advice.

### A: If the duty is not met

#### **Making a complaint about litter and refuse - Litter Abatement Orders (Environmental Protection Act 1990 section 91)**

This section provides for individuals and legal persons (but not Principal litter authorities) to take action, via the magistrates' courts, against those not complying with the duty to keep land clear of litter or refuse, or highways clean.

If the magistrates' court concludes that the complaint is well founded, it may issue a Litter Abatement Order requiring the person complained against to clear or clean the land. Local authorities and other duty bodies should inform the public about procedures for

making a formal complaint and the right to seek redress in the courts if the litter duty is not met.

### **Enforcing the requirement for duty bodies to keep land clear of litter and refuse - Litter Abatement Notices (Environmental Protection Act 1990, section 92)**

This section enables Principal litter authorities to take action where a 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 or a joint board, and may be used where any relevant Crown land, or land of a designated statutory undertaker, or 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.*
- *A prohibition on permitting the land to become defaced by litter or refuse.*

### **Penalties for failing to comply with a Litter Abatement Order or Litter Abatement Notice**

Failure to comply with a notice or order is a criminal offence, punishable by a maximum fine at level 4 (currently £2,500), together with a further fine of (currently) £125 a day for each day that the offence continues. The Code of Practice on Litter and Refuse is admissible as evidence in proceedings on a complaint, or for breach of a notice or order.

## **B: Powers to prevent littering**

### **Offence of leaving litter, prosecution and fixed penalties (Environmental Protection Act 1990, sections 87 & 88)**

It is an offence to throw down, drop or otherwise deposit, and then to leave, litter under section 87 of the 1990 Act. The offence, as extended by section 18 of the Clean Neighbourhoods and Environment Act 2005, applies to all places that are open to the air, including private land and land covered by water.

A person found guilty of the litter offence may be fined up to level 4 on the standard scale (currently £2,500). Fixed penalty notices for litter may be issued by an authorised officer of a litter authority (including community councils), by National Park Authorities, Police Community Safety Officers and accredited persons.

### **Dealing with street litter outside premises (Environmental Protection Act 1990, sections 93 & 94)**

Sections 93 and 94 give local authorities the power to tackle street litter generated further to activities on adjacent premises. The type of commercial and retail premise in respect of which a notice may be issued are specified in the Street Litter Control Notices Order 1991 (SI 1991/1324). There is no restriction on the type of litter for which this may be used, but it is intended primarily to help deal with food and drink packaging and other litter caused by eating 'on-the-go' as well as litter from cash points and lottery tickets dropped outside shops. The legislation enables local authorities to serve Street Litter Control Notices requiring businesses to clear up the litter and implement measures to prevent the land from becoming defaced again. Amendments made to the 1990 Act by the Clean Neighbourhoods and Environment Act 2005 have made it immediately an offence to fail to comply with the requirements of a Street Litter Control Notice, and fixed penalties may be issued as an alternative to prosecution.

Local authorities should work in partnership with others to resolve the problem of street litter and seek to remedy it, where possible, through joint working and good management practice.

### **Controlling the distribution of free literature (Environmental Protection Act 1990, section 94B and Schedule 3A)**

The distribution of free literature can blight public spaces if leaflets and other printed materials are subsequently dropped as litter.

Section 94B and Schedule 3A of the Environmental Protection Act 1990, (inserted by the Clean Neighbourhoods and Environment Act 2005), give Principal litter authorities powers to control such distributions. Authorities can designate, by order, areas of their own land or highways, in which the distribution of free literature is permitted only with their consent, and anyone distributing free literature in such an area without consent commits an offence, punishable by a fine or a fixed penalty notice. It is also an offence to commission or pay for the distribution of free printed matter in a designated area without the necessary consent.

As with other provisions in Part 4 of the Environmental Protection Act 1990, authorities are encouraged to work with retailers and businesses to minimise the problems associated with the distribution of free literature before imposing restrictions.

### **C: Powers for managing litter on other's land**

#### **Litter Clearing Notices (Environmental Protection Act 1990, sections 92A-92C)**

Principal litter authorities have the power to issue Litter Clearing Notices where land in their area is defaced by litter or refuse and this is detrimental to the amenity of the area. This power was introduced into the 1990 Act by the Clean Neighbourhoods and Environment Act 2005, and replaces the previous system of Litter Control Areas.



Litter Clearing Notices can be used to tackle litter on most types of land, other than those areas for which there is already a responsibility to clear litter and refuse under section 89. It therefore offers a tool for dealing with litter on private land that can often be blown or otherwise carried into neighbouring areas. The main features of the system are:

- a notice can be served without prior designation of a litter control area, and it is an offence not to comply with a Litter Clearing Notice;
- local authorities are able to specify the standard to which land must be cleared;
- if land is not cleared, or is not cleared satisfactorily, the local authority can enter the land, clear it itself, and recover the costs of doing so.

Wherever possible, Principal litter authorities should work in partnership with land owners and occupiers to resolve problems caused by heavily littered land. In issuing a notice, authorities should consider the role that they can play to address the causes of the litter problem, particularly in specifying steps to be taken to prevent future defacement.

### **Section 59 Environmental Protection Act 1990**

Provides powers for waste regulation authorities and waste collection authorities to serve a notice on the occupier or owner of land to require the removal of controlled waste unlawfully and knowingly deposited. Where a person fails to meet these requirements the local authority or the Environment Agency may clear the waste and seek to recover the costs.

### **Part III (Statutory Nuisance) Environmental Protection Act 1990**

District councils can serve an abatement notice if an accumulation or deposit is considered to be prejudicial to health or a nuisance. Reasonable costs can be recovered by the authority in abating or preventing the recurrence of a statutory nuisance for which a notice has been served. Inert material, however, would not be categorised as a statutory nuisance.

### **Section 215 Town and Country Planning Act 1990**

Allows a local planning authority to serve a notice on the owners and occupiers of land, requiring the site to be tidied up if the condition of any land is in such a state as to adversely affect the amenity of the neighbourhood. Non compliance is punishable (s.216) by a fine not exceeding level 3 (currently £1,000) on the standard scale.

### **Section 22 (3) Control of Pollution Act 1974**

Provides a power to Local Authorities to arrange, with the agreement of the person owning or occupying the land, for cleaning of land in the open air (other than a highway) to which the public have access. Charges will be paid by the owner or occupier.

### **Section 78 Public Health Act 1936**

Provides powers for local authorities, to sweep and cleanse any court, yard or passage which is used in common by the occupants of two or more buildings (but is not a highway repairable by the inhabitants at large) and which is not regularly swept and kept clean to the satisfaction of the authority. The council may recover reasonable expenses from the occupiers of the buildings.

### **Section 34 Public Health Act 1961**

Provides a power for local authorities, to remove from any land in the open air any rubbish that is seriously detrimental to the amenity of the neighbourhood. Rubbish is defined as including rubble, waste, paper, crockery and metal.

### **Section 6 Refuse Disposal (Amenity) Act 1978**

Gives local authorities, the powers to remove from land open to the air or on a highway any thing (other than a motor vehicle) that has been abandoned without lawful authority. If the land is occupied, the council must give notice of their intention to remove. Costs can be recovered from the person leaving the refuse or a person knowingly permitting it.

### **Section 4 Prevention of Damage by Pests Act 1949**

A local authority can serve a notice requiring an owner to remove, at his own expense, accumulated waste for the purpose of keeping land free from rats and mice. Costs can be recovered should the council have to remove it.

## **D: Powers to tackle dog fouling**

### **Dog Control Orders (Clean Neighbourhoods and Environment Act 2005 sections 55-62, and regulations made under them)**

The Clean Neighbourhoods and Environment Act has repealed the Dogs (Fouling of Land) Act 1996 and, subject to savings in respect of that Act, dog fouling is now controlled by way of Dog Control Orders. These can be made in respect of land which is open to the air (including covered land which is open to the air on at least one side) and to which the public has access with or without payment. Dog Control Orders can be made and enforced by both primary and secondary authorities and cover a range of dog control issues. They can be applied to:

- restrict the number of dogs per person;
- require the person in charge of a dog to clear up dog faeces;
- require dogs to be on a lead;
- require that dogs are put, and kept, on a lead if directed to do so by an authorised officer; or
- or place a ban on dogs over an area.

The penalty for committing an offence under a Dog Control Order is a maximum fine of level 3 on the standard scale (currently £1,000). Under section 59 of the 2005 Act, an authorised officer may offer to issue a Fixed Penalty Notice as an alternative to prosecution; under section 60 a level of £75, although primary or secondary authorities are able to set another amount within a range prescribed in the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2006.

Designations made under the Dogs (Fouling of Land) Act 1996 prior to April 2006 will remain in force until such a time as a Dog Control Order is made for the same land in respect of the same offence.

This means that prosecutions can continue to be brought against those who infringe dog laws on land designated under the Dogs (Fouling of Land) Act 1996. Fixed Penalty Notices can continue to be issued for dog fouling offences on land designated under the 1996 Act but the fixed penalties will remain at £50.

#### E: Powers to tackle graffiti and fly posting

##### **Fixed penalty notices for graffiti and fly posting (Anti-social Behaviour Act 2003 sections 43-47)**

Authorised officers of local authorities (including Community Councils), Police Community Support Officers and 'accredited persons' may issue fixed penalty notices to those who physically commit 'minor' acts of graffiti and fly posting as an alternative to prosecution. The specific offences for which such fixed penalty notices may be issued are given in section 44 of the 2003 Act.

##### **Defacement removal notices (Anti-social Behaviour Act 2003 sections 48 52)**

These sections enable a local authority to serve a 'defacement removal notice' on the owners of street furniture, statutory undertakers and educational institutions whose property is defaced with graffiti or fly-posting that is either detrimental to the amenity of the area or offensive.

If the defacement is not removed within a specified time (minimum 28 days), the local authority can intervene and clean it up themselves, with due reference to guidance issued by the Welsh Assembly Government. An appeals process is available.

##### **Graffiti (Criminal Damage Act 1971)**

Creating Graffiti is an act of criminal damage under section 1 of the Criminal Damage Act 1971. The amount of the penalty for committing such an offence will depend on the value of damage caused. (It may also be an offence under section 54, paragraph 10 of the Metropolitan Police Act 1839 and section 131(2) or 132(1) of the Highways Act 1980.)

##### **Sale of aerosol paint to children (Anti-social Behaviour Act 2003, sections 54 and 54A)**

Section 54 makes it an offence to sell aerosol spray paints to persons aged under 16, with the objective of reducing the incidence of criminal damage caused by acts of graffiti.

Retailers selling spray paints to under 16s commit an offence, which carries a level 4 fine (currently £2,500). Retailers are required to check the age of buyers if there is any doubt that they are least 16 years old.

Section 54A places a specific duty on local authority trading standards to investigate the extent of spray paint graffiti problems in their areas once a year and to take appropriate enforcement action where necessary to tackle underage sales.

### **Section 215 Town and Country Planning Act 1990**

The local planning authority has a power to serve a notice specifying steps for remedying condition of land that is adversely affecting the amenity of the area.

The scope of works that can be required in section 215 notices is wide and includes planting, clearance, tidying, enclosure, demolition, re-building, external repairs, and repainting.

### **Unlawful display of advertisements (Town and Country Planning Act 1990, sections 220 and 224)**

Section 220 gives the Secretary of State powers to make regulations restricting or regulating the display of advertisements so far as it appears to the Secretary of State to be expedient in the interests of amenity or public safety. There is a power to make regulations enabling the Local Planning Authority to require the removal of advertisements and the discontinuance of the use of the site for display of advertisements. It is an offence under section 224 to display an advertisement in contravention of the regulations under section 220 of that Act. A person found guilty of this offence may be liable to a fine not exceeding level 4 (currently £2,500) on the standard scale.

### **Removal of placards and posters (Town and Country Planning Act 1990 section 225)**

This section enables a local planning authority to remove or obliterate any poster or placard the display of which is, in the authority's opinion, in contravention of the section 220 Regulations. Notice must first be given where the placard or poster identifies the person who displayed it, or caused it to be displayed.

The Clean Neighbourhoods and Environment Act 2005 amended section 225, introducing powers for local planning authorities to recover the costs incurred when removing fly-posters. The 2005 Act also amended the statutory defence in section 224 so that the local authority no longer has to prove that a person consented to the display of an advertisement in contravention of the regulations. The only defence now is that the advertisement was displayed without the person's knowledge.

Information on the Flycapture database for Wales and England is available at: [www.defra.gov.uk/environment/localenv/flytipping/](http://www.defra.gov.uk/environment/localenv/flytipping/)

The Fly-Tipping Protocol may be viewed at: [www.environment-agency.gov.uk/aboutus](http://www.environment-agency.gov.uk/aboutus) and follow the links.

# Annex A

## Comparisons between Code of Practice on litter and refuse land use categories and STS/C/F/005/01-001 land use definitions

**N.B:** This is for information purposes only and does not form part of the code.

COPL&R Land use	STS/C/F/005/01-001 Land Use
<p><b>11.1 Retail, office and commercial</b></p>	<p><b>Primary retail, office and commercial areas</b></p> <p>This land-use includes the main town and city retail, office and commercial centres, as defined in local authorities' Area Wide Development Plans. Urban tourist hot spots which are wholly or partially separated from a main town or city retail and commercial centre should also be considered within this category.</p> <p>Primary Retail and Commercial Areas contain a choice of outlets in a range of different retail and commercial sectors (such as fashion clothing, financial services, restaurants, bars and entertainments), and will include national and international brand names. Normally, there is also a range of public facilities, including libraries, museums, law courts, and places of worship. Rear access roads, service roads, car parks and the first 50m of side streets off the primary retail and commercial areas should also be included in this land-use.</p> <p><b>Secondary retail, office and commercial areas</b></p> <p>This Land-use covers secondary retail, office and commercial areas located outside main city and town office retail and commercial centres (but excludes retail park developments, which are included with industry, warehousing and science parks). Secondary Retail, Office and Commercial Areas must contain a minimum continuous retail/commercial frontage of 50 metres.</p> <p>Secondary Retail, Office and Commercial Areas usually contain a range of facilities that mainly meet the needs of local residents. Most premises contain individual private businesses, sometimes branches of regional chains (such as bakers) and, occasionally, national brand names. Sometimes, Primary and Secondary Retail, Office and Commercial Areas dovetail into each other, for example a 'High Street' may be Primary at the Town Centre end, but tail off into Secondary towards the far end. In such cases, assign the land-use class that predominates at that point. Rear access roads, service roads, car parks and the first 50m of side streets off secondary retail and commercial areas should also be included in this land-use.</p>

COPL&R Land use	STS/C/F/005/01-001 Land Use
<p><b>11.2 Housing land</b></p>	<p><b>Higher density housing</b></p> <p>This Land-use Class includes housing of varying types, for example:</p> <ul style="list-style-type: none"> <li>• terraced housing in the inner areas of towns and cities;</li> <li>• terraced housing in industrial and post-industrial villages (such as mining and quarrying settlements);</li> <li>• alleyways behind and between housing areas where there is direct access to properties;</li> <li>• flats and maisonettes with only limited off-street parking on public housing estates;</li> <li>• semi-detached and short-terraced dwellings with limited or no purpose-made off-street vehicle parking.</li> </ul> <p>Housing areas should be classed as ‘higher density’ if the proportion of dwellings with purpose-made off-street parking facilities is less than 50%. ‘Off-street parking’ may include specially formed parking bays and garage courts located adjacent to the highway, or areas of hard standing on grassed areas comprising engineered cellular concrete blocks designed to provide vehicle parking areas. Higher density housing areas can also include occasional small retail premises, offices, manufacturing, and warehousing sites.</p> <p><b>Lower density social housing areas</b></p> <p>This Land-use Class includes all types of lower density social housing estates where purpose-made off-road garaging/parking is provided for 50% or more of the dwellings. Such provision can include front gardens that have been converted to provide hard standings or extensive garage courts serving high-rise blocks of flats that are set amongst landscaped areas.</p> <p>Where a front garden has been converted for parking, it should only be considered as constituting ‘off-street parking’ if the kerb has been deliberately dropped. This class also includes estates which were originally constructed to provide council or other social housing where tenants have taken up ‘right to buy’ options. Classic council housing estates differ from private housing areas in layout - there tend to be more open spaces and grass verges in council housing areas.</p>

COPL&R Land use	STS/C/F/005/01-001 Land Use
<b>11.2 Housing land (continued)</b>	<p>For this reason, even where a former council estate has been sold off under 'right to buy' legislation, it should still be classified as Lower Density Social Housing. The only exception to this would be if there had been extensive remodelling of the estate to include new building on former open spaces.</p> <p><i>Lower density private housing areas</i></p> <p>This Class comprises low-density housing developments, which were originally built for private purchase, located in urban areas, rural villages, and commuter villages, and which have off-road garaging/ parking provision for 50% or more of dwellings. Rear access alleyways, car parks and garage courts in low-density private housing areas should also be included in this land-use.</p>
<b>11.3 Industrial areas</b>	<p><i>Industry, warehousing, retail sheds and science parks</i></p> <p>This Class includes industrial and warehousing developments; out-of-town retail parks (including food and non-food developments); and science parks (containing offices, laboratories and manufacturing processes), which contain land that is owned or managed by the local authority, and which is freely accessible to the public. Public roads running through hospital and university campuses should also be included in this category.</p>
<b>11.4 Roads</b>	<p><i>Main roads</i> (STS/C/F/005/01-001 )</p> <p>This Class comprises 'A' roads (marked in red and green on 1:50,000 Ordnance Survey Maps) in the following situations:</p> <ul style="list-style-type: none"> <li>• throughout rural areas (except where main roads run through larger settlements containing Primary and Secondary Retail and Commercial Areas and Higher Density Housing Areas);</li> <li>• in urban areas, except where main roads run through Primary and Secondary Retail and Commercial Areas, or through Higher Density Housing Areas where no selective demolition has taken place (see below);</li> <li>• in High Density Housing Areas in urban areas where selective demolition has taken place in order to create a wider, often landscaped, main road corridor;</li> <li>• in London and parts of the West Midlands, this Class also includes Red Routes that are located outside Primary and Secondary Retail and Commercial Areas.</li> </ul>

COPL&R Land use	STS/C/F/005/01-001 Land Use
<p><b>11.4 Roads (continued)</b></p>	<p><b>Rural roads</b> (STS/C/F/005/01-001) This Class comprises all adopted highways that are located outside built up areas and which are not otherwise included in the Main Roads or Other Highways Land-use Classes.</p> <p><b>Other highways</b> (STS/C/F/005/01-001) This Land-use Class includes:</p> <ul style="list-style-type: none"> <li>• formal and informal lay-bys on main and rural roads; pedestrian overbridges and underpasses;</li> <li>• redway (dual purpose cycleway/footpath - as in Milton Keynes);</li> <li>• narrow roads within housing areas - often referred to by local names, such as ‘ginnels’, ‘snickets’, ‘snickleways’, ‘six-feet’ and ‘ten-feet,’ except where these provide rear access to terraced housing (see Higher Density Housing above). Normally, this type of pathway is adopted and is usually closely bounded by walls and/or other boundary structures.</li> <li>• the first 50 metres of BOATS, RUPPS and bridleways leading from metalled public highways;</li> <li>• redundant highway infrastructure still accessible to the public, including stub access roads to future development sites;</li> </ul> <p><b>Note:</b> ‘Other Highways’ include dedicated cycle-ways which are separated by distance or by a physical barrier from highways that are used by motor vehicles and from other adjacent land uses. For example, where a cycleway crosses a public park, the cycleway should be included as part of the public park.</p>
<p><b>11.6 Public open spaces</b></p>	<p>This Land Use Class includes a wide range of open spaces that are freely accessible to the public and which are maintained by a local authority. Sites include parks, picnic sites, canals, lakes, riversides; municipal cemeteries (but not churchyards) and cycleways (excluding cycleways classified as ‘Other Highways’ - see above).</p> <p><b>Note:</b> many canal towpaths are excluded for the purposes of STS/C/F/005/01-001 because they do not comprise Relevant Land for a principal litter authority.</p> <p>Where the ownership of Recreational Land has been transferred from a Local Authority to a Town or Community Council, this is no longer relevant land for the purposes of STS/C/F/005/01-001, and should be excluded. However, where Town or Community Councils only manage land on behalf of the local authority (which retains ownership), then such land remains relevant land and should be included in the STS/C/F/005/01-001 return.</p>



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