

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	HOUSING, NEIGHBOURHOODS AND LEISURE COMMITTEE		
DATE:	16 MARCH 2016	AGENDA ITEM:	12
TITLE:	STREET CLEANSING POLICY		
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report sets out details to update and amalgamate existing Street Cleansing Policies and Working Practices into a single Street Cleansing Policy document.

2. RECOMMENDED ACTION

- 2.1 That the Committee adopt the Street Cleansing Policy Appendix 1 and the Service Standards Leaflet Appendix 2

3. POLICY CONTEXT

- 3.1 The Street Cleansing Policy has been produced to support the Council's key commitment of keeping the Town clean, safe, green and active which includes keeping it free from litter, fly tipping and graffiti.

4. THE PROPOSAL

- 4.1 The Council has several stand-alone Street Cleansing Policies and Working Practices and this report aims to update and amalgamate them into a single Street Cleansing Policy document (Appendix 1).

- 4.2 We are committed to meeting legislative requirements and guidance in respect of the public realm and street cleansing standards. Responsibility for maintaining these standards falls not only to the Council but to everyone living, working and visiting the Borough.
- 4.3 Section 89(1) of the Environmental Protection Act 1990 places a duty on Reading Borough Council to ensure that their land (or land for which they are responsible) is, so far as reasonably practicable, kept clear of litter and refuse.
- 4.4 The duty to keep land free of litter will only apply to relevant land. The extent of relevant land shall be defined by the Council but will normally include the following:
- Adopted public highways (including laybys);
 - Town centre and district shopping areas.
- 4.5 The Council has undertaken numerous initiatives including; educational campaigns and also provided physical resources such as litter and dog waste bins and community graffiti clean-up kits. However, the Council recognises that we all have responsibilities in reducing litter and maintaining our environment to an acceptable standard. With the help of National Government campaigns and publicity by organisations such as the Tidy Britain Group, there can be few in society who are not aware of their responsibilities and the consequences that might arise if they fail to follow them.
- 4.6 The Council's Neighbourhood Officers will always try to prevent environment crime occurring as a preference to taking enforcement action.
- 4.7 Prior to any enforcement action being taken, recommendations are provided to ensure that those responsible are discouraged from committing offences in the first place. Advice and recommendations represent a preventative measure and are an important component in the Council's education and awareness programmes.
- 4.8 Where advice and recommendations have failed the following enforcement options are available and are dependant on the seriousness or the type of contravention:
- Fixed penalty notice
 - Enforcement Notice
 - Formal caution
 - Prosecution
- 4.9 An annual review of the Street Cleansing Policy and the Service Standards Leaflet will be carried out.

5. CONTRIBUTION TO STRATEGIC AIMS

5.1 The Street Cleansing Policy will contribute to the Council's Corporate Plan 2016 - 2019 priorities:

- Keeping the town clean, safe, green and active
- Providing infrastructure to support the economy
- Remaining financially sustainable to deliver these service priorities

6. COMMUNITY ENGAGEMENT AND INFORMATION

6.1 The Street Cleansing Policy (Appendix 1) and the Service Standards Leaflet, (Appendix 2) will be available on the Council's website.

7. EQUALITY IMPACT ASSESSMENT

7.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.2 The Council's existing Street Cleansing Policies and Working Practices are being updated and amalgamated into a single Street Cleansing Policy document. There is no overall change to service delivery at this time. Should any future updates/amendments be required, which result in service delivery changes, an equality impact assessment will be carried out.

8. LEGAL IMPLICATIONS

8.1 The principal environmental legislation enforced by the Council is the Environmental Protection Act 1990; other relevant provisions are in the Anti-Social Behaviour Act 2003, and the Clean Neighbourhoods and Environment Act 2005. There are also provisions in the Highways Act 1980 and the Town and Country Planning Act 1990. The Localism Act 2011 gave Council's additional powers relating to fly-posting and graffiti.

8.2 Section 33 of the Environmental Protection Act 1990 contains offences relating to waste and fly-tipping, while section 34 imposes a duty of care on those keeping, transferring or disposing of waste. Sections 46 and 47 contain provisions relating to waste receptacles (domestic and commercial); sections 86 to 98 contain provisions relating to litter. The Council has adopted Schedule 4 of the Act which contains powers to deal with abandoned trolleys.

- 8.3 The Anti-social Behaviour Act 2003 contains provisions allowing fixed penalty notices to be given for offences such as graffiti (under the Highways Act 1980) or fly-posting (Town and Country Planning Act 1990).
- 8.4 The Council has made a Dog Control Order under provisions in the Clean Neighbourhoods and Environment Act 2005, which allows fixed penalty notices to be given for dog fouling offences.
- 8.5 The Council has a statutory duty under section 89 of the Environmental Protection Act 1990 to keep certain land such as highways, clear of litter and refuse. Section 87 of the Act creates the offence of leaving litter, for which a fixed penalty notice may be given under section 88. Litter Clearing Notices under section 92A may be served requiring land owners to clear their land of litter, and Street Litter Control Notices may be served where there is recurrent defacement by litter on the street or adjacent land, which arises from certain types of premises.
- 8.6 Some of the above legislation contains powers for the Council to take action and recover its costs from those responsible; for instance the Localism Act 2011 amended the Town and Country Planning Act 1990, introducing powers to serve notices requiring occupiers of premises to remove graffiti. Where the graffiti is not removed the Council may remove it itself and recover its costs from the occupier; the Council may also remove graffiti on request and recover its expenses from the owner or occupier making the request.

9. FINANCIAL IMPLICATIONS

- 9.1 There are no financial implications to this report.

10. BACKGROUND PAPERS

- 10.1 Graffiti Removal Policy Report 2007



Transportation & Streetcare Services

Street Cleansing Policy

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Attachments:

Service Standards leaflet

STREET CLEANSING POLICY

Introduction

The Council is determined to maintain clean streets throughout the Borough, and considers that the local street scene is of great aesthetic and economic importance to its residents and to local businesses. The majority of the legislation relating to litter and refuse can be found in the following:

- Environmental Protection Act 1990
- Clean Neighbourhoods and Environment Act 2005
- Anti-social Behaviour, Crime and Policing Act 2014
- Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2007
- Environmental Offences (Use of Fixed Penalty Receipts) Regulations 2007

1.0 Legislation

- 1.1 Section 89(1) of the Environmental Protection Act 1990 places a duty on Reading Borough Council to ensure that their land (or land for which they are responsible) is, so far as is practicable, kept clear of litter and refuse.

2.0 Relevant Land

- 2.1 The duty to keep land free of litter will only apply to Relevant Land. The extent of Relevant Land shall be defined by the Council but will normally include the following:

Adopted public highways (including laybys);

Town centre and district shopping areas

- 2.2 For the avoidance of doubt, the following are not classed as Relevant Land:

Private land;

Children's play areas;

Other Council owned land.

3.0 Litter

- 3.1 The 1990 Act does not provide a comprehensive definition of litter or refuse, although the courts have considered the definition to be wide; 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.

- 3.2 Under section 98(5A) of the Environmental Protection Act 1990, certain discarded smoking-related materials such as cigarette ends and discarded chewing gum are specifically stated to be items of litter.
- 3.3 Detritus includes dust, mud, soil, grit, gravel, stones, rotted leaf and vegetable residues, and fragments of twigs, glass, plastic and other finely divided materials. Leaf and blossom falls are to be regarded as detritus once they have substantially lost their structure and have become mushy or fragmented.
- 3.4 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.
- 4.0 Grades of cleanliness
- 4.1 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.
- 4.2 For litter and Refuse
- Grade A: No litter or refuse
- 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.
- 4.3 For detritus:
- Grade A: No 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
- 4.4 The cleansing of Land will be carried out by the Council's Street Cleansing Team. The Council will meet its statutory duty to keep Relevant Land free of litter by using a combination of methods including:
- Mechanical sweeping
 - Manual hand sweeping
 - Manual litter picking
 - Provision of litter bins

5.0 Cleansing Standards

5.1 The cleansing standard to be utilised in Reading shall be based on the Code of Practice on Litter and Refuse under the Environmental Protection Act 1990.

There are four grades of cleanliness standards:

Grade A - no litter or refuse.

Grade B - predominantly free of litter and refuse apart from small items.

Grade C - widespread distribution of litter with minor accumulations.

Grade D - heavily littered with significant accumulations

5.2 Relevant Land in Reading is split into six main zones. The zones are used to categorise the type of land, reflecting how much litter is likely to be generated:

Zone 1 Primary (Town Centre area);

Zone 2 Secondary (shopping areas outside of the Town Centre);

Zone 3 Industrial and commercial (Light and heavy manufacturing with retail outlets);

Zone 4 High density housing (all on street parking);

Zone 5 Medium density housing (limited off road parking);

Zone 6 Low density housing (all off road parking);

5.3 Under this method of cleansing, the 'relevant land' will be cleansed when required. If the cleanliness of the Relevant Land in question deteriorates, then the Council will ensure it arranges the removal of the litter within the given response time.

5.4 The cleansing service will be provided in zones 1 and 2 every day (except Christmas Day) to ensure the relevant standards are achieved between 05.30 hours and 20.00 hours. Zones 4, 5 and 6 will generally be provided Mon - Fri between 07.30 and 20.00 (except bank / public holidays) where a minimal service will be provided or during special events such as the Reading Festival or Reading Marathon.

5.5 The cleansing service will be supported by an 'out of hours' emergency service during non-operational times.

6.0 Litter Bins

6.1 The Council will provide litter bins to assist in keeping Reading free of litter.

- Floor standing (black, max 100lts with hood)
- Post mounted (black, max 50lts with hood)
- Dog waste (red, max 30lts with lid)
- Stainless steel (Voss - Town Centre only)
- Dual On the Go waste and recycling bins

- 6.2 The Council will arrange for litter bins to be emptied at regular intervals to avoid any litter escaping and causing a nuisance.
- 6.3 The Council will arrange for litterbins within zone 1 and 2 to be cleaned a minimum of 2 x per annum and zones 3,4,5 and 6, a minimum of 1 x per annum.
- 6.4 Any request for a new litter bin will be considered by the Council on a case by case basis. The following criteria will be used by the Council before making a decision if a new litter bin should be provided:
- Location;
 - Historical extent of littering;
 - Health and safety implications;
 - Available budget.
- 7.0 Fly-tipping
- 7.1 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.
- 7.2 Defra 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.
- 7.3 As well as large incidents of fly-tipping Flycapture also records any items illegally dumped outside our standard waste collection times.
- 7.4 Reading Borough Council will deal primarily with small, localised incidents of fly-tipping while the Environment Agency focuses its efforts on dealing with larger, more serious incidents.
- 7.5 The Council will arrange for the removal of fly-tipped waste from Relevant Land as soon as practicable after the incident has been investigated by a Neighbourhood Officer - usually within 5 working days of being reported.
- 8.0 Graffiti
- 8.1 The Council will arrange for the removal of graffiti from Relevant Land. Graffiti clearance will be prioritised based on its severity and removed at a time agreed by the Council.
- 8.2 We will remove or obliterate for no charge, graffiti (up to 1 sq m) from external residential surfaces where the graffiti is visible from the street or other public space, is no higher than 2 m from the ground, and is accessible without specialist equipment. We will aim to respond to new reports of graffiti within 5 working days.

- 8.3 We will remove or obliterate graffiti from Small Businesses for a charge to cover just the cost of materials, and any special access required.
- 8.4 We will remove or obliterate graffiti from Housing Association accommodation for a charge to cover just the cost of materials, and any specialist lifting or access equipment required.
- 8.5 We will work with large companies and organisations, and Duty bodies (Statutory Undertakers - mainly Utility companies, transport undertakings such as Network Rail, and defined educational establishments such as Schools and Colleges), as appropriate to remove and/or prevent graffiti, for a charge.
- 8.6 Whether we select removal or obliteration will depend on the type of surface that the graffiti is on:
- For brick, stonework, metal and glass, we will use appropriate chemicals and/or washing with water (including hot water under pressure) to remove the graffiti;
 - For painted surfaces, we will use the closest match from one of a small range of standard paint colours to obliterate the graffiti. This will not include covering the entire surface;
 - For wooden fences, we will use one of a small number of standard paint colours to cover the graffiti, on the panels affected only.
- 8.7 Limits. Circumstances when the council will not remove graffiti:
- Remove graffiti that is etched or inscribed into any surface;
 - Remove graffiti for no charge where it is inaccessible from the ground;
 - Remove graffiti for no charge where it is not visible from the street or a public place;
 - Remove graffiti where access is prohibited (e.g. railway trackside) or we cannot get consent to cross private land;
 - Match colours of paint surfaces (although we will offer a choice from the standard sets we employ);
 - Remove for no charge graffiti where there are multiple repeat attacks, and the victim doesn't agree to preventative treatment (we will work with victims to come up with solutions);
 - Provide for no charge any specialist protective treatment for surfaces suffering from repeat attacks (although we will work with victims to come up with solutions);
 - Normally remove graffiti without receiving an indemnity from the owner (or occupier).
- 9.0 Additional Cleansing
- 9.1 From time to time the Council may arrange for further additional cleansing works to be completed on Relevant Land e.g. street washing, chewing gum removal, site specific cleansing improvements etc. If this additional cleansing is available, it will be prioritised by the Council in consultation with other outside bodies e.g. Reading CIC UK Limited.

10.0 Monitoring

- 10.1 The standard of cleanliness will be monitored by the Council's Neighbourhood Officers in three separate surveys per year in line with the NI 195 performance indicators.
- 10.2 Litter bins will be inspected at regular intervals and replaced if damaged when necessary.

11.0 Education

- 11.1 The Council will continuously work in partnership with other stakeholder organisations to limit the level of littering and graffiti in Reading. Partnerships will be developed within the community to raise the awareness of litter and graffiti to promote the 'Love Clean Reading' initiative e.g. by using promotional campaigns and community clean-ups and the 'Love Clean Reading' App.
- 11.2 The Council will support and assist schools and voluntary groups in campaigns that aim to reduce litter in Reading e.g. as part of a community clean-up event. If necessary, the Council will provide litter pickers, sacks, gloves and a collection service for the collected litter.

12.0 Enforcement

- 12.1 The Council has a separate Enforcement Policy to deal with issues relating to environmental crime e.g. fly-tipping and littering.
- 12.2 Graffiti on any premises - removal by agreement

Section 225J Town & Country Planning Act 1990 - this enables the Council to remove graffiti at the request of an owner or occupier of premises at the person's expense.

- 12.3 Section 29 Berkshire Act 1980 - the local authority may, having agreed terms and conditions with the owner or occupier of any premises, remove or obliterate any picture, letter, sign or other mark inscribed, affixed or painted on any wall, fence, post or other structure on premises which are visible from a street although not adjoining it.

12.4 Graffiti on a highway surface

Section 132(2) Highways Act 1980 - the highway authority may remove any picture, letter, sign or other mark which has been painted, inscribed or affixed on the surface of the highway, or on any tree, structure or works on or in the highway without the consent of the highway authority or authorisation given by or under an enactment.

12.5 Graffiti on surface of streets (not highways) or on trees, structure and works on or in streets (not highways) or on trees, structures and works adjoining highways or adjoining any streets (not highways)

Section 29 Berkshire Act 1986 - the local authority may remove under section 132(2) Highways Act 1980 any picture, letter, sign or mark which has been painted, inscribed or affixed on the surface of a street which is not a highway or on any tree, structure or works adjoining a highway or on, in or adjoining a street which is not a highway (except where the owner or occupier has consented to the graffiti).

12.6 The local authority can recover expenses incurred from any person who contravenes section 132 (as extended by section 29 of the Berkshire Act 1986). Where a person is convicted of the offence under section 132, the court may order him to pay such expenses to the local authority.

12.7 Graffiti on street furniture (letter boxes, bus shelters etc.)

Section 225F TCPA 1990 - serve notice on owner requiring removal of graffiti within 14 days. If the notice is not complied with and after 28 days' notice, the Council can remove the graffiti and recover its costs.

12.8 Graffiti on a wall (not dwelling house or curtilage or boundary of dwelling house

Section 225F TCPA 1990 - serve notice on owner requiring removal of graffiti within 14 days. If the notice is not complied with, the Council can remove the graffiti and recover its costs.

12.9 Graffiti on a wall of dwellinghouse or curtilage or boundary of dwelling house

Section 225F TCPA 1990 - serve notice on owner requiring removal of graffiti within 14 days. If the notice is not complied with, the Council can remove the graffiti (but not recover expenses).

12.10 Graffiti on a statutory undertaker's land

Section 225K TCPA 1990 - power to enter land and remove graffiti after serving 28 days' notice of intention. The statutory undertaker can serve a counter-notice which, on safety or operational grounds or to protect other works or apparatus, would impose conditions on the taking of the action, or can prevent the action being taken.

12.11 Any premises - persistent graffiti problem

Section 43 Anti-Social Behaviour, Crime and Policing Act 2014 - power to issue a community protection notice to individual over 16 or to a body if satisfied on reasonable grounds that:

- (a) The conduct of the individual or body is having a detrimental effect of a persistent or continuing nature on the quality of life of those in the locality, and
- (b) The conduct is unreasonable.

The notice may include a requirement to stop doing specified things; a requirement to do specified things; a requirement to take reasonable steps to achieve specified results.

The only requirements that can be imposed are ones that are reasonable to impose in order:

- (a) To prevent the detrimental effect from continuing or recurring, or
- (b) To reduce the detrimental effect or to reduce the risk of its continuance or recurrence.

A written warning must first be given.

Conduct on or affecting premises that a particular person owns, leases, occupies, controls, operates or maintains is treated as being conduct of that person.

There is a right of appeal to the magistrates' court against the notice, and it is an offence to fail to comply. A fixed penalty of £100 may be given.

Where the notice is not complied with, section 47 allows the local authority to carry out work to ensure the failure is remedied, on land that is open to the air (and on other land with the owner's consent).

Dear Resident	Service	Aims	What is covered	What is not covered	How you can help
<p>We want you to be proud of Reading and that is why we have set ourselves high standards of cleanliness across the whole Borough.</p> <p>We want to work with you to ensure that Reading is a clean, safe and good place to live and work in.</p> <p>Our vision is to make Reading:</p> <p><i>‘ A highly regarded, leading Council; ambitious and focused on what matters most for our communities, delivering value for money and quality services’</i></p> <p>Councillors have set Clean Streets as a top priority for Reading Borough Council.</p> <p>These service standards lay out what you can expect in your area.</p> <p>If you have any queries about these services please contact us on 0118 9373787</p> 	Street Cleansing	<ul style="list-style-type: none"> We aim to keep all roads free from litter & rubbish. 	<ul style="list-style-type: none"> All residential roads are visited at least fortnightly. Main Roads are mechanically swept weekly. District shopping areas are visited daily. The Town Centre has a continual service between 5.30am until 7.30pm Mon - Sat and until 5.00pm on Sun. Provide a 24hr emergency cleansing service. 	<ul style="list-style-type: none"> Removal of litter and rubbish from private land or unadopted roads and footpaths. 	<ul style="list-style-type: none"> By not dropping litter and using the litter bins provided. Cleaning up after your pets. By not parking where you want us to clean.
	Litter and dog bins	<ul style="list-style-type: none"> We aim to empty litter and dog waste bins on a minimum weekly basis. 	<ul style="list-style-type: none"> Provide a regular service and respond to reports of overflowing bins within 24hrs. 	<ul style="list-style-type: none"> Emptying of non-Council owned bins. 	<ul style="list-style-type: none"> By not using the litter bins to dispose of your domestic or commercial waste. Report damaged or overflowing litterbins.
	Fly tipping	<ul style="list-style-type: none"> We aim to keep public land free of illegally dumped waste. 	<ul style="list-style-type: none"> Removal of fly tipped rubbish on public land within 5 working days. 	<ul style="list-style-type: none"> Free removal of fly tipped rubbish on private property. 	<ul style="list-style-type: none"> Report fly tippers, noting time, date and registration number. Do not put yourself at risk or touch the waste. There may be evidence that may help us identify the culprit.
	Graffiti and fly posting	<ul style="list-style-type: none"> Our aim is to keep Reading free of graffiti and fly posting. Offer residents and businesses a cost effective service where charges apply. 	<ul style="list-style-type: none"> On receipt of a disclaimer provide a free (up to 1m² and less than 2m from the ground) removal or painting out service where it is visible from the public highway. Removal of racist or offensive graffiti free of charge within 24hrs of notification. 	<ul style="list-style-type: none"> Graffiti larger than 1m². High level graffiti. Graffiti not visible from the public highway. 	<ul style="list-style-type: none"> Quickly removing graffiti from your property if you are able to. Signing a Council disclaimer if you are asked to do so. This will authorise us to remove graffiti or fly posting from private property. Graffiti and fly posting are criminal damage. If you see someone doing this call the police.
	Weeds	<ul style="list-style-type: none"> We aim to keep the roads free of large accumulations of weed growth. 	<ul style="list-style-type: none"> We will treat weeds 3 x per year with a non-residual contact herbicide. 	<ul style="list-style-type: none"> Removal of weeds from private property. 	<ul style="list-style-type: none"> By removing weeds from the front of your property where it joins the highway.
	Removal of Debris, spillages, dead animals and drug related litter.	<ul style="list-style-type: none"> We aim to attend to road traffic accidents, spillages and reports of dead animals and drug related litter. 	<ul style="list-style-type: none"> Clear debris as soon as possible after notification. Treat and clean up spillages - this may require more than 1 visit. Recording the details of dead animals and notifying owners whenever possible. Safe collection and disposal of drug related litter from the public highway. 	<ul style="list-style-type: none"> Removal of spillages from private property. Removal of dead pets from private property. Free removal service of drug related litter from inside properties or from any business / managed premises. 	<ul style="list-style-type: none"> Report any spillages of oil, sand, glass etc. or dead animals on the public highway.
	Seasonal variances	<ul style="list-style-type: none"> We aim to keep roads clear of accumulations of leaves. <ul style="list-style-type: none"> Leaf Fall 	<ul style="list-style-type: none"> Produce a leaf clearance programme for designated roads. 	<ul style="list-style-type: none"> Clearance of leaves from private property. 	<ul style="list-style-type: none"> Report areas that require special treatment. Do not blow leaves from your property onto the public highway. Recycle your leaves using the Council's green waste collection service.