

From: GWYNNE, Andrew [mailto:andrew.gwynne.mp@parliament.uk]

Sent: 21 October 2013 12:00

To: Stephen.Hammond_MP@dft.gsi.gov.uk

Cc: philip.rutnam@dft.gsi.gov.uk; Peter Silverman

Subject: 6585/Dec 12

Dear Stephen

Thank you for your communication of [11th September](#) following up mine of [13th August](#) and yours of the [17th July](#) and for agreeing to meet with Peter Silverman of Clean Highways and myself again in December.

M40

You say that that M40 contract requires the *provider* to conduct physical checks of the network for litter. Peter's point however is that the *Agency* does not routinely conduct physical checks of M40 verges. I think the Agency should either concede this point or provide copies of their inspection reports.

Peter accepts that the provider carries out inspections but points out that this is not an explicit contractual requirement. Please refer to [M40 Cleaning – extract from Highways Agency contract with UK Highways M40 Ltd](#)

M25 Environmental Amenity Index audits

It is difficult to see how the photographic guidance can be said to be identical as the [Agency's handbook](#) for the audits uses a different set of photographs from those in the [Litter Code of Practice](#).

The language is not just different it is more relaxed in the Agency's handbook. Whatever someone's intention was, if the Agency's inspectors adhere to their handbook definitions they will grade some below standard areas as being acceptable.

You have been assured that "the service providers are not advised of the location to be audited in advance". However the same [Agency handbook](#) states "API 4 Environmental Amenity Index: Methodology – A 5Km length of continuous carriageway of a route is jointly chosen at random by the Provider and HA Route Sponsor with no prior notice given to Provider's "operations team".

Peter has pointed out that no slip roads were included in any of the 10 audit reports he obtained, covering January to October 2012. You have been advised that "if the length of road to be audited includes a junction this will be included, if it is safe to do so.." As there is approximately one junction every 7 kms on the M25 then most randomly chosen 5 km stretches would include a junction. The audit handbook states "Inspections are carried out from a vehicle travelling as slowly as the prevailing traffic speeds allow without disruption of traffic flow where practicable". It is difficult to envisage the circumstances in which it would not be safe to audit a slip road.

We should not forget Peter's fourth criticism of this process, namely that litter and refuse down an embankment would not be seen from the vantage point of the inspectors.

EPA and the Litter Code

Peter has written an interesting post on the [function of the Litter Code of Practice](#). In his view it is there to provide guidance to duty bodies. It is not intended to be general purpose guide for anyone involved in cleansing land and highways. To comply with their obligations under EPA S89(1) duty bodies should, he says, specify cleansing procedures which their managers / contractors can readily translate into a work program and whose fulfilment against specification can be monitored. It would be interesting to get your department's view on his interpretation.

Refusal of Information requests

Following our 3rd July meeting Peter wrote to Freda Rashid and Matthew Sweeting with a number of follow-up questions. He has also requested a copy of the Agency's new Litter Strategy. In both cases the information has been refused by the Agency on the grounds the requests were manifestly unreasonable. This was in spite of the fact that the Agency's decision to refuse some of Peter's previous requests on the same grounds had been [overturned by the Information Tribunal](#) just a month beforehand. I have [requested the same information](#) and have also been refused

Area 10 / New Asset Support Contract(ASC)

I was very disappointed that the Peter received such an [unhelpful response](#) to his [e-mail of 2nd September to Philip Rutnam](#) drawing his attention to serious deficiencies in both the design of the ASC and its implementation in Area 10 in which, as you know, my constituency lies . I would like to add my voice to Peter's suggestion that the Government Efficiency section of the Cabinet Office should be asked to examine whether or not the ASC is fit for purpose.

Stephen, it must be apparent to you that there are serious and widespread deficiencies in the way the Agency manages its service providers in regard to cleansing. These have largely been brought to light through Peter's freedom of information requests. Instead of addressing the issues the DfT / Agency's response seems to be to put up the shutters. They have refused further information requests from Peter, and now from myself. They simply contradict any embarrassing facts that are brought to light and fail to address positive suggestions.

Hopefully this situation will change and a more open and constructive discussion of the issues can take place.

Best wishes,

ANDREW GWYNNE MP

Shadow Health Minister

Labour - Denton and Reddish

Constituency Office, Denton Town Hall, Market Street, Denton, M34 2AP

House of Commons, London SW1A 0AA

Tel: 0161 320 1504 (Constituency)

Tel: 0207 219 4708 (House of Commons Voicemail)

Fax: 0161 320 1503

Web: www.andrewgwynne.co.uk **Twitter:** @GwynneMP **Facebook:** AndrewGwynneMP

Serving the communities of:

***Audenshaw, Denton, Dukinfield, Haughton Green, Heaton Chapel, Heaton Norris and Reddish
in the House of Commons***