



STOCKPORT
METROPOLITAN BOROUGH COUNCIL

Mr Michael Pease

SENT VIA EMAIL

9th May 2014

Case reference: 101470187

Dear Mr Pease

Re: Your complaint about road cleansing on the A34.

I am pleased to be able to say that I have now had an opportunity to review your case and provide you with my decision.

Following my investigation of the case, my final decision is that your complaint is not upheld. A summary of the investigation and the reasons for my decision are provided in the following sections.

I am also sending a copy of this letter to the Public Realm service, as notification of the conclusions I have reached. These conclusions are set out in detail later in this letter.

BACKGROUND

You contacted the Council to question the frequency of the road cleansing taking place on the A34. You consider that the Council was in breach of the 'Litter Code of Practice', and the 'Environmental Protection Act'. You consider it is the Council's duty to keep the highway clear of litter, with reference to clearance within 28 days of being notified.

You exchanged emails with officers' from the Public Realm service who advised you the following:

'The high speed stretch of the highway will be cleared as part of the annual High Speed Road Maintenance Programme.'

'The reason the cleansing takes place annually is because this stretch of highway is classed as a High Speed Road and we must use traffic management systems to control the traffic during any routine maintenance. We plan all of the boroughs High Speed Road routine maintenance so that there is the minimum disruption to road users and so that we can complete a number of maintenance operations at the same time. We have a duty of care to the operatives when considering the maintenance of such roads.'

The footpaths and any areas that are not affected by the high speed status of the highway are cleaned as per the standard cleansing schedule (i.e. assessment every 12 days and cleansed as needed).’

You were also advised that:

“The local authority have limited resource and must use this resource efficiently. The A34 requires traffic management along its route for the safety of the operatives carrying out their duties, this traffic management is costly and the authority must consider the expense when setting their cleansing schedules. As highlighted previously we consider that carrying out cleansing alongside maintenance is the most practical and efficient use of our limited resource, as described in the Code of Practice.

The vehicle that you refer to below is hired in as required by the authority, the hire costs are considerable, and I refer to my comments above regarding limited resources.

The High Speed Road Programme is usually carried out in summer because this provides an opportunity to mow the grass at its highest point, carry out work on the highway when it is frost free, avoid cutting vegetation in the nesting season.”

You were unhappy with the responses you received and escalated your complaint to Stage 2 of the Corporate Complaints process. You stated that the Council was *“not cleaning the A34 as per its statutory requirement. On notice of a complaint of a litter problem of a certain grade, on dual carriageways, the litter has to be cleared within 28 days or as soon as possible. However, the local authority only cleans it once a year, regardless of any complaints or its statutory duty to keep highways clear of litter. My view is that is a breach of the local authority’s duties under the Environmental Protection Act and the Litter Code of Practice.”*

STAGE 2 DECISION

As part of my investigation, I have taken into account the Code of Practice, previous complaints in relation to the cleanliness of the A34 and the response to your complaint provided by the Public Realm service.

I have found that the Council has not erred by its decision not to cleanse the A34 more frequently. The high speed status of the highway means that it is treated differently to other roads in the borough and therefore there is a degree of flexibility afforded by the Code of Practice in terms of developing the cleansing schedule. There is of course the added cost of carrying out regular cleansing of a highway of this nature and the knock-on effect of causing widespread disruption to motorists.

I asked the Public Realm service to provide evidence of previous complaints made regarding cleanliness on the A34, although there have been only two recent reports which have been raised by you.

I have considered your complaint and recommend no further action. I am satisfied that the Council has an appropriate cleansing schedule in place for a road of this nature. I have not found any evidence that the current level of cleanliness is below expected standards which would require action under the Code of Practice. A change to the current schedule may set a precedent for other similarly busy roads and result in widespread disruption when this is not justified.

NEXT STEPS

Thank you for bringing these issues to our attention. I hope the detailed consideration given to your complaints will reassure you about the Council’s willingness to review its actions independently,

and to take appropriate remedial action where necessary. If you are unhappy with my decision, I would advise you to take this matter up with the Local Government Ombudsman (LGO), whose address is as follows:

Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Telephone: 0300 061 0614
Text: 0762 480 3014
Website: www.lgo.org.uk

I have enclosed a copy of the LGO's leaflet 'Complained to the Council? Still not satisfied?'

Please do let me know if you have any questions at this stage.

Yours sincerely

Anwar Majothi
Corporate Complaints Manager

Enclosed LGO leaflet

CC. Public Realm service