

23rd April 2014

Mr John Hemming MP
House of Commons
London
SW1A 0AA

Dear Mr Hemming

Birmingham City Council - Failure to Collect Sacks of Green Waste

I refer to your email addressed to David Tatlow of the 19th April 2014 concerning the above and would respond as follows:-

1. Background

- 1.1 Section 89 of the Environmental Protection Act 1990(EPA) imposes on the Council duty to ensure that land is, so far as is practicable, kept clear of litter and refuse
- 1.2 The secretary of State has produced a Code of Practice issued under section 89(7) of the EPA. This Code is admissible in evidence in any proceedings alleging failure to comply with the statutory duty to ensure that the land is, so far as is practicable, kept clear of litter and refuse.
- 1.3 The graded standards shown below are defined in the Code of Practice:
 - 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
- 1.4 The Code recognised that a Grade A cannot be maintained at all times, and that that the speed and intensity of the accumulation of litter and refuse in an area depend on a large number of factors.
- 1.5 The Council sets its cleansing schedules so that, they meet the requirement in the code to keep their relevant land clear of litter and refuse, as far as is reasonable practicable.

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- 1.6 Where the Council identifies that a site has fallen below the minimum required standard (Grade B) the code requires the Council to bring the site back up to standard within the timescales specified in the code which range from ½ a day to 28 days depending upon the land usage.
- 1.7 The Council complies with these statutory duties by setting cleansing schedules and appropriate response times for requests for service from the public.
- 1.8 The environmental surveys that are conducted on a regular basis demonstrate that on average circa 96% of areas when inspected have been maintained at grade A or B and that this confirms that Birmingham is in so far as is practicable complying with its statutory duties.

2. Dumped garden waste

- 2.1 Prior to the introduction of the free garden waste service in 2007, residents had responsibility for dealing with the disposal of their own garden waste. This year the Council has introduced a chargeable Green/Garden waste service for those who wish to use it, and those who do not can choose to dispose of their own garden waste by taking it to one of the Council's Household Recycling Centre's or by composting it at home. The Council recognises that the public will require some time to adapt to the changes and in the meantime the Council has considered how to deal with this transitional period.
- 2.2 The Council has a clear responsibility to deal with all dumped green waste, however the Council also recognises that simply removing the waste will not solve the problem of repeated dumping, indeed immediate removal may actually encourage inappropriate behaviour from those residents who choose to dump the waste on the streets.
- 2.3 The Council has therefore developed a transitional strategy for dealing with dumped garden waste that recognises that an area can only be kept free of garden waste if preventative action is taken before waste is actually removed.
- 2.4 The Council is therefore taking a pro-active approach, whereby refuse collectors street cleansers and other council workers identify dumped garden waste and ensure that it is tagged and reported to the Councils waste prevention team. This waste alongside issues reported by the public is therefore dealt with by initially labelling the waste with a request for the residents to remove it, and this is followed up by leafleting of neighbouring properties, and speaking to local residents.
- 2.5 Our experience so far has shown that many residents have in fact taken the waste back on to their own properties and removed it from the street. Furthermore in many instances where the waste has not been removed, there has not been a significant growth in the waste that has been put out.
- 2.6 In cases where the waste has not been removed by residents and in particular those cases where further waste is put out, the Council will undertake further work and consider taking appropriate enforcement action. On completion of its investigations the Council will if necessary remove the waste,
- 2.7 The Council believes that this measured and proportionate response will achieve the required culture change and reduce the amount of garden waste that is put out on the street, thereby discharging the Councils statutory duties in so far as is reasonably practicable.

2.8 Finally, if you provide details of any specific locations of green/garden waste, we will investigate and ensure that the issues are progressed appropriately.

Should you have any further queries, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tommy Wallace', with a stylized flourish at the end.

Tommy Wallace
Director – Fleet and Waste Management