

From: Peter Silverman **On Behalf Of** Peter Silverman
Sent: 19 November 2014 17:38
To: 'clive.betts.mpXXparliament.uk'
Cc: 'david.williamsXXportsmouthcc.gov.uk'; 'mckeegXXparliament.uk'; 'habberleysXXparliament.uk'
Subject: Inquiry into Litter

Dear Mr Betts,

I am writing to you in your capacity as Chairman of the House of Commons Communities and Local Government Committee and with regard to your inquiry into litter.

In [my submission to the committee of 14th October](#) [LIT 064]I wrote:

What a EPA S89 scrutiny body could do

They could scrutinise councils (and other duty bodies) to ensure that they were taking all “practicable” steps to ensure their land was kept clear of litter and refuse. This could involve checking:

- 3. That domestic refuse collection is carried out in such a way that collateral littering is minimised. In particular they could check that councils are not acting in breach of EPA S33 by permitting residents to leave bags of refuse (deposit waste) outside the curtilage of their own properties. [See EPA S33 \(1\) and \(2\)](#).*

I was therefore interested to read the submission from Portsmouth City Council in which they stated:

... we currently collect refuse from dustbins or bags.... if residents place their refuse out early, in some cases days before collections are due, bags are often split open by cats, foxes, seagulls etc. which in turn can spread waste along a street, potentially attracting vermin and leading to a drop in the visual amenity of any given area.

It would appear that PCC are acting in breach of EPA S33 and the amenity of the area is suffering as a consequence. They go on to say:

Up until October 2014, when dealing with these particular residents, we were able to make use of section 46 of the EPA, in order to get them to fall into line.

However section 46 deals with “Receptacles for household waste”. It is the section that validates the placement of wheelie bins on the highway (subject to the consent of the highways authority and suitable arrangements for dealing the liability for any damage caused). They were presumably referring to S46 (6) which says any resident who fails to comply with the specified arrangements can be prosecuted.

Plastic bags are clearly not receptacles in this context. I cannot therefore see how PCC could use EPA S46 to encourage residents to put their refuse bags out for collection in a more timely manner. Indeed they should never be placed outside the curtilage of the property other than in a receptacle provided under the aegis of EPA S46.

Please refer to [Kerbside collection of domestic waste](#).

I am copying this to David Williams the Chief Executive of Portsmouth City Council.

Mr Betts, I hope this is of help to your committee.

Kind regards,

Peter Silverman

www.cleanhighways.co.uk