

From: John Hemming
To: aarhus compliance <aarhus.compliance@unece.org>
Date: 24/07/2017 13:16
Subject: Re: ACCC/C/2016/142 (United Kingdom) - response from the Party concerned [heur]

Do I need to do anything.

Obviously my basic case on fairness is that the system is biased in favour of the local authority the evidence for which is simply that whereas I effectively won the case because the local authority cleared up rubbish that they would otherwise not have cleared up, I was deemed to have lost.

This means that even in extreme cases like this one where the local authority is deliberately not clearing rubbish citizens cannot take the risk of challenging the local authority as they may win their arguments, but still have to pay costs (even if the costs were limited to GBP 5K).

On 25/07/2017 09:20, aarhus compliance wrote:

Dear Mr. Hemming,

This is to acknowledge receipt of your email of yesterday. If you wish, you may comment on the Party concerned's response to your communication but this is not required. Alternatively, we can also forward your email below to the Committee and Party concerned as your comments.

You will be informed if the Committee has any questions and when a hearing on your communication will be scheduled. Note, however, that due to the large number of communications presently before the Committee, it will still require some time until a hearing can be scheduled.

Best regards,

Sebastian Bechtel
on behalf of the Aarhus Convention secretariat



Aarhus Convention Compliance Committee
United Nations Economic Commission for Europe
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From: John Hemming
To: aarhus compliance <aarhus.compliance@unece.org>
Date: 25/07/2017 10:44
Subject: Re: ACCC/C/2016/142 (United Kingdom) - response from the Party concerned [heur]

I would think my summary in the email makes the key point. Adding to it: It is, of course, possible to look in detail at the aspects of judicial decisionmaking that were unreasonable such as requiring telepathy on my part or indeed asking for meetings which would have had no effect and that there was no information that stated that I must ask for a meeting in person (rather than a phone call or an email) or otherwise I would be deemed to have lost (which is quite capricious). However, the nub of the issue is that the local authority were breaking the law by leaving around rubbish, by taking legal action I got them to follow the law and then was told I had lost the case on costs.

Hence can you please include this email thread as a response to the party's response.