ITEM 8

PAPER NO. WRWA 880

WESTERN RIVERSIDE WASTE AUTHORITY

MEETING	15th July 2019
REPORT AUTHOR/DATE	General Manager *(Contact Mark Broxup - Tel. 020 8871 2788)* 5th July 2019
SUBJECT	Report outlining Authority responses to the Department for Environment Food and Rural Affairs (DEFRA) three published consultation documents on: a) reforming the UK 'Producer Packaging Responsibility Scheme' (PPRS) b) introducing a 'Deposit Return Scheme' (DRS) for drinks containers (bottles and cans); and c) consistency in household and business recycling collections in England.

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STATUS	Open
BACKGROUND PAPERS	None

INTRODUCTION

1. In January 2018 the Government committed, in its 25 Year Environment Plan, for England to reform producer responsibility systems (including packaging waste regulations) to incentivise producers to take greater responsibility for the environmental impacts of their products.

2. As reported to the Authority in January 2019 (Paper No. WRWA 872), in December 2018 the Government published its Resources and Waste Strategy for England which sets out how it wishes to preserve material resources by minimising waste, promoting resource efficiency and moving towards a circular economy in England.

3. On 18th February 2019, as part of its action towards meeting that commitment, the Department for Environment Food and Rural Affairs (DEFRA) published three consultation documents on:

    a) reforming the UK 'Producer Packaging Responsibility Scheme' (PPRS)

    b) introducing a 'Deposit Return Scheme' (DRS) for drinks containers (bottles and cans); and

    c) consistency in household and business recycling collections in England.

4. The consultation documents were extensive, running to 259 pages and 249 questions in total. The consultations ran for 12 weeks and closed on 13th May 2019.

5. The Treasury also produced a linked consultation document on plastic packaging tax which closed on 12th May 2019. In its October 2018 Budget the Government announced its intention to introduce a tax on plastic packaging with less than 30% recycling content. Whilst such a tax will support the Government's proposals within its Resources and Waste Strategy, this particular consultation is concerned with the design of the of the tax and is therefore more applicable to the producers of plastic packaging. Officers have therefore not drafted a response.

6. At the Authority meeting in January 2019 (Paper No. WRWA 872) it was agreed that draft consultation responses would be sent to the technical officers of the four constituent councils for comment, before being sent to Members of the Authority for any further comments/observations before submission.

7. Delegated authority was given to the General Manager, Treasurer and Clerk, in consultation with the Chairman, to finalise and submit the responses.

8. Members also requested that the responses:

    a) take account of the responses of other waste authorities, as a co-ordinated response with other waste authorities would give weight to arguments put forward, particularly if there was consensus amongst several waste authorities;

    b) emphasise the promotion of home composting as a means of reducing waste; and

    c) recommend that the Welsh definition of recycling could be adopted, whereby the recycling of incinerator bottom ash is also included.

EXECUTIVE SUMMARY

9. This Executive Summary provides a high level summary of keys points of principle addressed within the Authority's detailed responses to the consultation documents.

10. With only a couple of detailed exceptions around Garden Waste and Food Waste, the Authority warmly welcomes the proposals from DEFRA and the Treasury. The Authority particularly welcomes the Government's commitment to local authorities that it will meet any new net costs arising from the policies set out in the consultation documents when implemented. However, local authorities that need to retender their services in the interim will be doing so "blind" of what the actual legislative requirements will be. There may also be a perverse incentive for local authorities to delay planned operational changes so as to avoid missing out on the potential for future Government compensation.

11. The Authority supports the introduction of a reformed UK 'Producer Packaging Responsibility Scheme' (PPRS) that makes producers fully responsible for the economic and environmental cost of their packaging. As a consequence, the Authority fully expects that packaging will be reduced in quantity, what packaging is produced will become more recyclable and easier for consumers to correctly return and they will be incentivised to do so. The Authority believes that the responsibility for delivering these outcomes best lies with retailers, rather than brands, as they are best able to influence both the packaging chain and consumer behaviour. The plastic tax, and other requirements to use recycled material, will give markets the confidence to invest in the new processing capacity needed for the increased volumes of recycled material. A Circular Economy will result.

12. The requirement that retailers not only pay the costs associated with recycling packaging material, but also the costs associated with treating it within the residual waste stream, is a critical component of the PPRS as this will incentivise retailers to deliver the outcomes described in paragraph 11 above.

13. The Authority prefers the Government suggested Model 2, whereby a single not-for-profit management organisation would be created to administer the PPRS. The Authority believes this to be the most transparent model and it will also better allow local authorities to put in place the best collection arrangements for their residents.

14. The "as near-to-business as usual" Model 1 will retain all the problems of the existing system and lack transparency. Producers will only want the cheapest solutions and this will present difficulties for local authorities that, for reasons not connected to efficiency, have higher costs. Producers will also seek to enforce collection requirements on local authorities that residents do not want. Model 3 proposes to differentiate between household and commercial waste, but this is likely to produce distortions in the market. Model 4 is complicated and opaque and, as with Model 3, could lead to the potential for fraud and abuse.

15. Producers are concerned that a lack of competition in Model 1 will mean that they do not get "value for money" from the services provided by local authorities, but this overlooks the fact that local authorities will still remain incentivised to recycle as much as possible from the residual waste stream. DEFRA estimates that packaging material accounts for less than 13% of the residual waste stream, so there is a real financial incentive for unitary councils and councils that form part of the six statutory joint waste disposal authorities to continue to recycle as much material as possible, whether packaging or not. However, in other two-tier areas, where collection authorities and disposal authorities (usually county councils) each charge residents directly for the waste management services they provide, there can be a lack of transparency over the overall cost to the public as a consequence, which can be further confused by the application of recycling credits. These arrangements ought to be reviewed.

16. The PPRS is primarily based around producers paying the costs currently being incurred by local authorities. These costs will now fall on the public as consumers, rather than as council tax payers, thereby better conforming to the "polluter pays" principle. The overall cost may increase but that is because it needs to, to better protect the environment. Indeed, producers should also be required to pay an additional sum to help provide for the historic and future damage that their products can cause when they escape the regulated waste management system. It was the packaging material in our rivers, seas and oceans, as highlighted by Sir

David Attenborough in the Blue Planet TV series, that led to the public demand for change and the PPRS should contribute towards solving those problems as well.

17. Being pragmatic, the Authority recognises that local authority costs will need to be reimbursed in some formulaic way, but it would propose grouping authorities not by location type and deprivation level, but by housing or population density, as this will better reflect the practical and physical challenges faced by different types of authority. The system should also have separate mechanisms to deal with special costs, such as those associated with change-in-law provisions within contracts, and there should be a mechanism whereby local authorities are incentivised to become more efficient. Monies should go directly to the local authorities that incur the costs and not be given to regional bodies for distribution (this will add unnecessary bureaucracy), or be top-sliced for regional advertising campaigns. If regional advertising is worthwhile and necessary it should be funded by producers directly.

18. The introduction of a Deposit Return Scheme (DRS) is a key component in the behaviour change process by introducing an incentive for consumers to manage their packaging waste more responsibly. A DRS will help the public view packaging and, hopefully in time, other materials as resources, rather than waste, and will be a high profile demonstration of the Circular Economy in practice. For the greatest behaviour change (litter reduction and increased recycling rates), participation in a DRS has to become the 'norm' for consumers, regardless of where they consume the drink and regardless of the size/format of its drinks container. If a DRS succeeds in generating real consumer behaviour change there is a good chance that this will help "nudge" positive public behaviour with respect to other waste materials.

19. The Authority agrees that the DRS scheme should be confined to drinks packaging initially, but cover all drinks packaging (except milk products and the like) and not be limited to smaller container sizes. Under a DRS the Authority and its constituent councils will save money without having to recover expenditure as required under a PPRS.

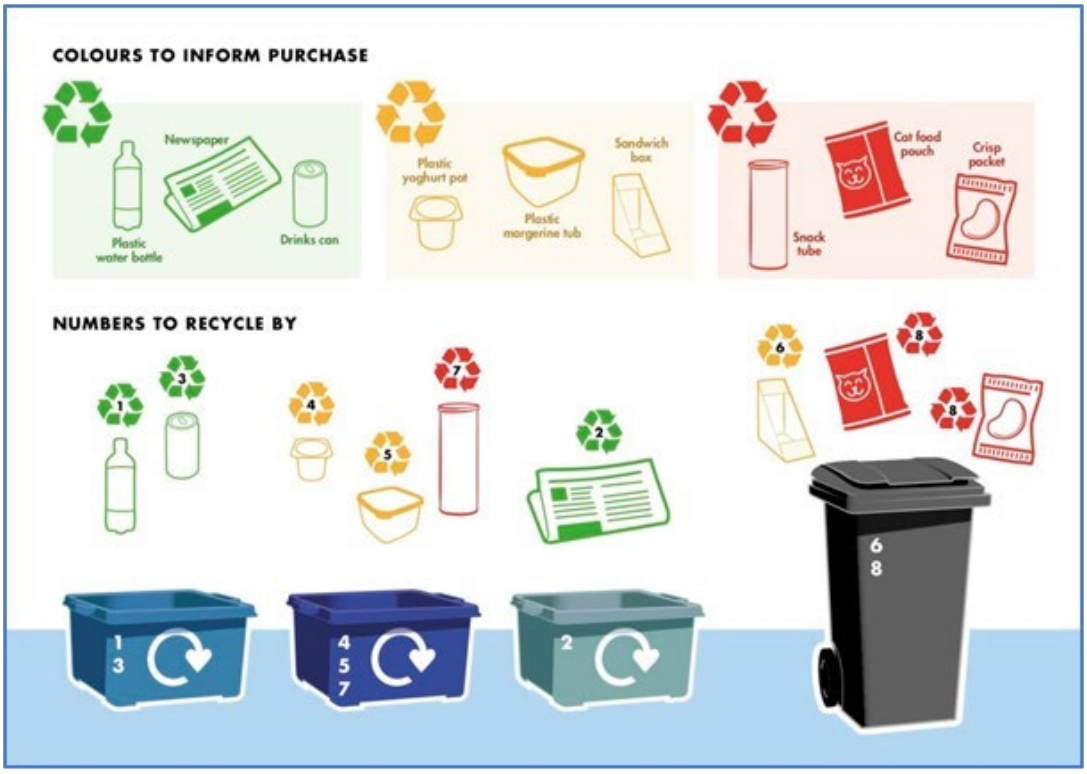
20. The DRS should form part of the PPRS and a single not-for-profit management organisation should run both. Unclaimed deposits could then be recycled back to reduce producers payments under the PPRS. They should not be returned to the Treasury, nor should they be given to charity, as that would run counter to the consumer behaviour change the scheme is designed to achieve.

21. The Authority believes that disposable cups as well as pouches, cartons and Tetrapak should be part of both the PPRS and the DRS (not being in the DRS could provide a perverse incentive to increase their use). This will encourage retailers to consider better types of packaging, how to influence new consumer behaviour

patterns and/or charge more for convenience. The PPRS should however give some recognition to metal packaging that will be recovered from residual waste treated at Energy from Waste facilities. Finally, although it is not packaging, consideration might be given to extending the PPRS to also incorporate newspapers, magazines and catalogues.

22. The Authority agrees that there should be consistency around collection arrangements, but there should also be consistency around the labelling of packaging and local authority recycling and residual waste containers. The simple system developed by Suez (see Figure 1 below) will best deliver this, with colours helping to inform consumer purchasing decisions and numbers telling them which container to put the packaging material in. This could be a national system, which would be cost effective and easy to advertise and promote.

Figure 1



23. The Authority does not agree with DEFRA's proposal to introduce free Garden Waste collections. It does not accord with the producer pays principle and will result in people without gardens (often the least well off in society) subsidising those with gardens. It will also encourage material currently being home composted re-entering the waste stream to be recycled in contravention of the waste hierarchy. If DEFRA is concerned about the amount of Garden Waste in the residual waste stream it should reinstate local authority powers of enforcement.

24. Similarly, the emphasis on Food Recycling detracts from the more pressing need for food waste reduction. The consultation documents state that the compulsory Food Waste collections are required to remove food waste from landfill. However, the PPRS impact assessment document says that only 29% of residual waste goes to landfill. Whilst the Authority would support the need to remove food waste from landfill, it believes that it should be up to local authorities to decide what type of energy recovery or composting technology to send its food waste to and whether or not to collect it separately. Lifecycle analysis does show that, in certain circumstances, other collection and treatment options can match, or better, DEFRA's preferred option of separately collecting food waste for treatment by Anaerobic Digestion (AD). There are also real concerns around the availability of AD Facilities, particularly in large urban areas like London, and what demand there would be for the digestate output from the process.

25. The Authority welcomes the development of alternative metrics, in addition to weight based targets, as there can be a disconnect between weight and the potential for environmental damage, with plastics being a perfect example. Similarly, garden and food waste recycling performance should be judged separately from a material, such as packaging, that is recycled post-consumer.

26. Given that the responsibility and targets for managing packaging will now sit with producers, rather than local authorities, it makes more sense to measure and judge these on a national and company basis rather than a regional one. The PPRS should, in time, identify those areas that are not performing efficiently and steps can be taken to improve performance by offering incentives to improve. It therefore seems unnecessary bureaucracy for local authorities to collate this information for the purpose of non-binding performance indicators.

DIALOGUE WITH OTHERS

27. Officers attended the following:

    a) "Unpacking the EPR, DRS and Consistency consultations", organised by the Chartered Institution of Wastes Management, on 19th March 2019;

    b) "Defra consultations workshop", organised by the London Environment Directors' Network and the London Councils Transport and Environment Committee, on 28th March 2019; and

c) "The London Conference", organised by the London Waste and Recycling Board, on 3rd April 2019.

28. The key issues were discussed with Technical Officers at a meeting on 4th April 2019 and a draft of this paper was sent to them on 9th April 2019, with comments to be received by 18th April 2019. A second draft was then circulated to Authority Members on 29th April 2019, with comments to be received by 8th May 2019. The Chairman approved the final consultation responses and these were submitted to DEFRA to meet its deadline of 13th May 2019.

29. It was not possible to co-ordinate responses in conjunction with other waste disposal authorities or representative bodies in the timeframe of the consultation process.

REFORMING THE UK 'PRODUCER PACKAGING RESPONSIBILITY SCHEME' (PPRS)

30. This consultation seeks views on measures to reduce the amount of unnecessary and difficult to recycle packaging and increase the amount of packaging that can, and is, recycled through reforms to the packaging producer responsibility regulations. It also proposes that the full net costs of managing packaging waste are placed on those businesses who use packaging and who are best placed to influence its design, consistent with the polluter pays principle and the concept of extended producer responsibility.

31. The Authority's response to the specific consultation questions on reforming the PPRS is attached as Appendix A to this report, but DEFRA's key proposals, together with a high level summary of the Authority's view on each (*in italics*), is set out below:

a) the definition of full net cost recovery and approaches to recovering full net costs from producers;

Given that local authorities are likely to be reimbursed their operational costs by way of a formula, rather than their actual costs, the level of reimbursement should be based around "gross" rather than "net" cost, so as to make producers directly responsible for commodity values which ought to act as a natural financial hedge for them.

The Authority has suggested a number of additional cost areas that would need to be recompensed, including any applicable Change-in-Law provisions.

b) incentives to encourage producers to design and use packaging that can be recycled;

DEFRA is proposing that the cost of managing post-consumer packaging waste will move from local authorities to producers (i.e. obligated businesses). These costs to include those associated with packaging in the residual waste stream.

Producers will now be directly incentivised to reduce these costs and derive the maximum environmental benefit by minimising the amount of packaging, making it more recyclable and incentivising the public to return it for recycling, rather than placing it in the residual waste stream.

c) the businesses that would be obligated under a packaging extended producer responsibility scheme;

This should be retailers, as they are best placed to influence both the amount and type of packaging down the supply chain and the necessary post-consumer behaviour change.

d) how producer funding would be used to pay local authorities for the collection and management of household packaging waste and to support the collection for recycling of household-like packaging arising in the commercial waste;

Ideally each authority would be reimbursed for its own costs, but this is unlikely to be practicable. The Government is suggesting a formula based around location type (urban, rural or mixed) and deprivation (high/low). The Authority's response proposes that authorities should be segregated into a number of groups based around housing density.

To minimise the scale and number of "winners and losers" between authorities, a dual system with some level of specific authority funding might be necessary to cover things like "Change In-Law" provisions for a period of time.

e) the mandatory labelling on all packaging to indicate if it is recyclable or not;

The Authority is promoting adoption of the traffic light numbering system suggested by Suez, represented graphically in Figure 1 at paragraph 22

above. It is clear, concise, cheap to introduce and easy for the public to understand.

f) new packaging waste recycling targets for 2025 and 2030, and interim targets for 2021 and 2022;

Given the current recycling rate levels the Government's targets do not appear to be especially challenging.

Packaging Material	*Reported UK recycling rate (achieved) 2016*	*Proposed Target (2025)*	*Proposed Target (2030)*
Paper	*81.9%*	*82%*	*85%*
Glass	*67.1%*	*70%*	*75%*
Aluminium	*50.8%*	*55%*	*60%*
Steel	*74.4%*	*75%*	*80%*
Plastic	*44.9%*	*50%*	*55%*
Wood	*30.9%*	*30%*	*30%*
Total Packaging Recycling	*64.7%*	*66%*	*70%*

g) alternative models for the organisation and governance of a future packaging extended producer responsibility system; and

Model 1 will be beset by the same problems of transparency as the existing model and will inevitably move responsibility back to local authorities. Local authorities would also have to compete against each other to have their costs met by producers who will require methods of service delivery that may be at odds with public demand or requirements.

The Authority supports Model 2, whereby an independent regulatory body sits between producers and local authorities as being the most appropriate and transparent model.

Models 3 and 4 are too complicated and will suffer from the same shortcomings as Model 1.

h) measures to strengthen compliance monitoring and enforcement including for packaging waste that is exported for recycling.

These new measures are welcomed. It is essential that the system also addresses future and historic costs associated with material that has already escaped proper waste management systems, i.e. through littering or the poor management of exported material overseas.

INTRODUCING A 'DEPOSIT RETURN SCHEME' (DRS)

32. This consultation seeks views on a DRS that would see a deposit added to the price of drinks containers at the point of purchase, which would be redeemed when consumers return their empty drinks containers to designated return points. DEFRA is proposing that plastic bottles, steel and aluminium cans, and glass bottles will be included that contain a broad range of drinks, including water, soft drinks, juices and alcohol. DEFRA propose that the DRS would be managed by a central not-for-profit body which would oversee financial and material flows, logistics, infrastructure maintenance, and reporting. DEFRA is considering two options, an 'on-the-go' model which would restrict the drinks containers in-scope to those less than 750ml in size and sold in single format containers and an 'all-in' model that, would place all drinks containers, regardless of size, in-scope of a DRS.

33. The Authority's response to the specific consultation questions on introducing a DRS is attached as Appendix B, but DEFRA's key proposals, together with a high level summary of the Authority's view on each (*in italics*) , is set out below:

a) Basic principles for a DRS

A clear and simple DRS, as part of wider producer responsibility and fiscal measures, will help deliver the behaviour change of consumers, producers and retailers that is necessary to deliver both a step change in the capture for recycling of empty drinks containers and reduce litter.

b) Materials in scope

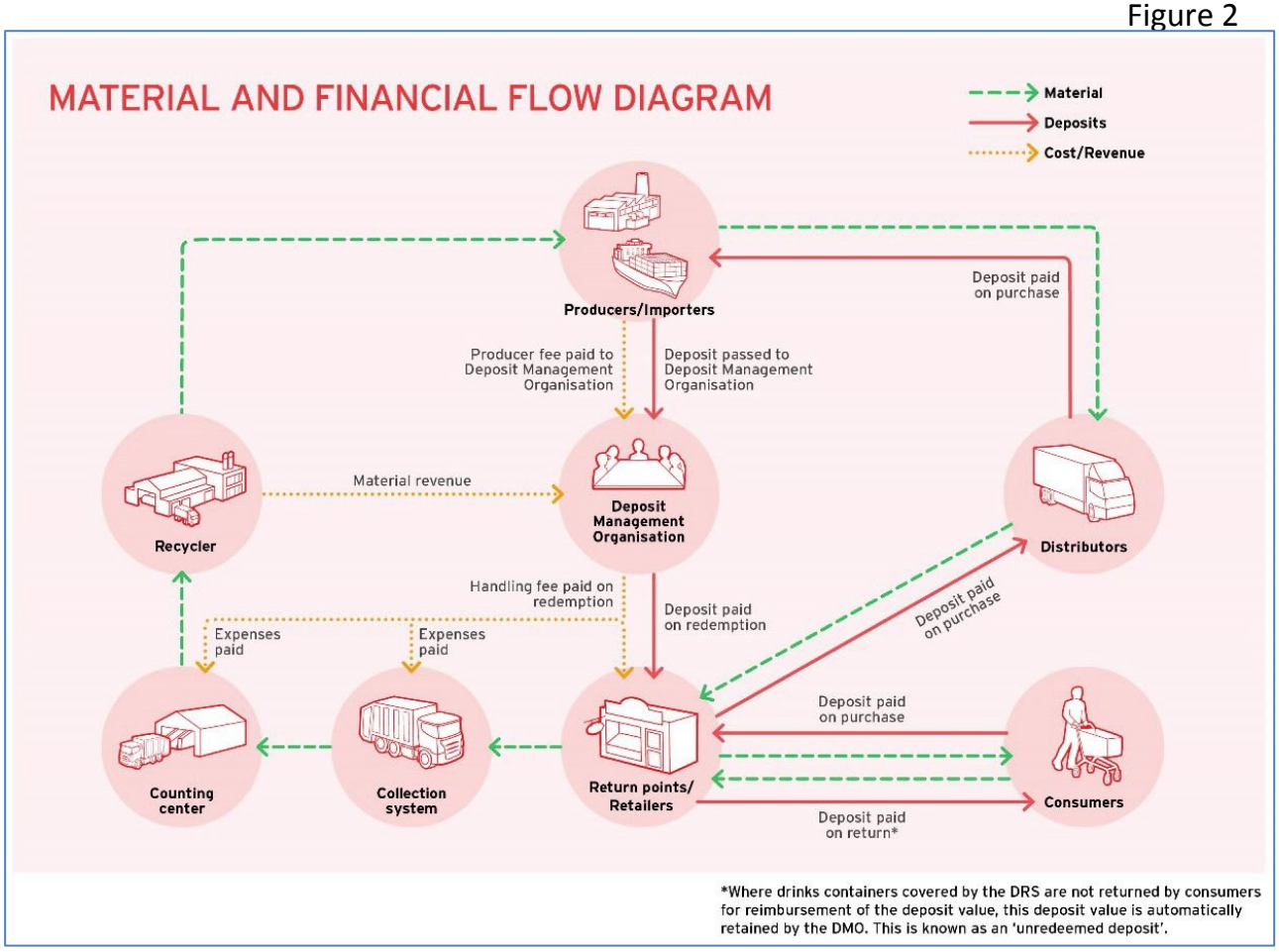
The DRS should include polyethylene terephthalate (PET) and high density polyethylene (HDPE) plastic bottles, steel and aluminium cans and glass bottles and should include containers of any size that contain drinks other than milk. Milk containers should not be included, not only because milk is an essential foodstuff, but also because the containers are likely to cause odour problems at reception points.

Disposable cups, pouches, cartons and Tetrapak should not be part of the DRS as how they are used by consumers is less conducive to such a system

and these materials are better dealt with under the PPRS, but with a high tariff.

c) Material and financial flows in a DRS

Figure 2



The proposed material and financial flows, as depicted in Figure 2, are sensible and workable. The deposit value is added on top of the price of the drink, and this cost would be passed through the supply chain (consumer, retailer, distributor, producer).

All drinks containers within the DRS would need to be labelled during manufacture to show that they fall within it and include a means to indicate the applicable 'deposit value'. This labelling could be complementary to, and consistent with, the SUEZ labelling system if adopted for the PPRS.

d) Overlap with the packaging producer responsibility system

Producers obligated under a DRS should also be obligated under the PPRS so as to ensure producers are incentivised to change manufacturing processes and product design. It will also be necessary so that local authorities are properly reimbursed for the costs of managing containers that remain in their recycling or residual waste streams, but producers obligated under a DRS should not be unfairly disadvantaged by a 'double-charge' under both systems.

e) Deposit Management Organisation (DMO)

Once consumers have returned drinks containers, these should fall under the ownership of the DMO whose responsibility it would be to ensure that they are collected. The DMO would then sell the collected drinks containers and it would be responsible for ensuring accurate data collection and reporting.

As well as being responsible for the material and financial flows within the DRS, the DMO also needs be responsible for meeting collection targets set by government and monitored by the Environment Agency. The DMO would then distribute any penalties for missed targets to producers on a fair and transparent basis.

CONSISTENCY IN HOUSEHOLD AND BUSINESS RECYCLING COLLECTIONS

34. This consultation is concerned with measures to improve the quantity and quality of what we recycle, both at home and at work, and Government says that local authorities will receive additional resource to meet any new net costs arising from the policies set out in this consultation when implemented. This includes both net up front transition costs and net ongoing operational costs.

35. The Authority's response to the specific consultation questions on Consistency In Household And Business Recycling Collections is attached as Appendix C, but a summary of the key measures DEFRA is consulting on, together with a high level summary of the Authority's view on each (*in italics*) , is set out below:

a) all waste collection authorities to collect the same core set of dry recyclable materials from households;

In the consultation, consistency means that all householders in England can recycle a common set of dry materials, including plastic bottles and plastic pots tubs and trays, glass packaging (bottles and jars), paper and card, and metal packaging. It could also include food and drink cartons.

The Authority supports the idea that all householders nationally would be able to recycle the same materials but is pleased that, whilst the Government would prefer the materials collected separately (multi-stream), it recognises that other methods which collect paper separately (twinstream) or all materials collected together (comingled) should be determined at a local level, taking into account what is needed to achieve good quality and what is technically, economically and environmentally practicable.

b) all waste collection authorities to have separate weekly food waste collections from households;

The Government's justification for this proposal is a desire to reduce methane production from the use of landfill, but there is no recognition that the majority of food waste in the residual waste stream already goes to energy from waste facilities.

The Authority believes that decisions on whether or not to collect food waste separately should be made by local authorities on the grounds of what is technically, economically and environmentally practicable in their area.

The Government's preferred technology for food waste is Anaerobic Digestion (AD) which is a form of energy recovery. However, previous life cycle analysis studies have indicated that, for the Authority's constituent councils, separately collecting food waste for AD will deliver little or no environmental benefit compared to sending food waste to the Belvedere Energy from Waste Facility as part of the residual waste stream.

Measures that reduce food waste should be the focus of Government initiatives, rather than separate collection of Food Waste and the promotion of specific technologies to manage it.

c) whether waste collection authorities should provide a free garden waste collection service for households with gardens;

This proposal is contrary to the "polluter pays" principle promoted by the Government in all its other consultation documents and results in those without gardens subsidising those with them.

In line with the waste hierarchy, the Government should be doing more to promote home composting and it should be up to local authorities to decide what collection and treatment systems are best technically, economically, environmentally and practicably for their area. As part of

that exercise local authorities can also determine what negative impacts garden waste in the residual waste stream is having, but it would assist local authorities if Government reintroduced relevant enforcement powers, rather than requiring local authorities to introduce more costly and problematic services to get around the contamination problem.

d) how to achieve greater separation of dry materials in collections, especially paper and glass to improve the quality of dry recyclables collected from households;

Material quality and the need for separate collections should not be a concern of Government. It is something for the market to decide and the market's requirements will fluctuate over time through the normal pressures of supply and demand, but also in response to changes, over time, in the composition of the waste stream.

e) whether statutory guidance on minimum service standards for waste and recycling services should be introduced;

Statutory guidance is not required. It should be for local authorities to decide what service standards are best for their area (not Government or packaging producers) and for those standards to be challengeable by the public via the normal election cycle.

f) how to develop non-binding performance indicators to support local authorities to deliver high quality and quantity in recycling and waste management; and

Given that the responsibility and targets for managing packaging waste will now sit with producers rather than local authorities, it makes more sense to measure and judge these on a national and company basis, rather than a regional one. The PPRS should, in time, identify those areas that are not performing efficiently and steps can be taken to improve performance by offering incentives to improve. It therefore seems unnecessary bureaucracy for local authorities to collate this information for the purpose of nonbinding performance indicators.

g) how to support joint working between local authorities on waste; alternatives to weight-based targets; and having standardised bin colours for waste and recycling

The Statutory Joint Waste Disposal Authorities (SJWDAs) pass their costs directly to their constituent councils so the overall waste collection and treatment costs, that form part of council tax bills, are fully transparent. In the shire counties, where the district councils and the county councils both charge residents separately for the services they provide, overall waste management costs can be less transparent, a situation further complicated by the application of recycling credits (which do not apply to the SJWDAs). In the context of the consultations on DRS and PPRS, it is entirely possible that residual waste savings by a county council might well outweigh any recycling income lost by its district councils, but a district council taking a parochial view might be opposed to the proposals for a DRS and a PPRS even though overall they might benefit its residents.

COMMENTS OF THE TREASURER

36. The Government has committed to local authorities that it will meet any new net costs arising from the policies set out in the consultation documents when implemented. However, it is possible that additional costs could be incurred which are not funded and therefore fall to the Authority. This is a risk which would need to be covered by the Authority's reserves if sufficient at the time, or otherwise would fall to the constituent councils.

RECOMMENDATION

37. The Authority is recommended to receive this report as information.

M. Broxup
GENERAL MANAGER

Western Riverside Transfer Station
Smugglers Way
Wandsworth
SW18 1JS.

5th July 2019

Consultation on reforming the UK packaging producer responsibility system

About you

Q1. What is your name?

Mark Broxup

Q2. What is your email address?
This is optional, but if you enter your email address you will be able to return to edit your consultation response in Citizen Space at any time until you submit it. You will also receive an acknowledgement email when you complete the consultation.

mark@wrwa.gov.uk

Q3. Which best describes you? Please provide the name of the organisation/business you represent and an approximate size/number of staff (where applicable).

Western Riverside Waste Authority (7 Full Time Equivalent posts).

(Please tick only one option. If multiple categories apply to you please choose the one which best describes you and which you are representing in your response.) (Required)

- Business representative organisation/trade body
- Packaging designer
- Packaging manufacturer / converter
- Product manufacturer / pack filler
- Distributor
- Retailer
- Waste Management Company
- Reprocessor
- Local government
- Community group
- Non-governmental organisation
- Charity or social enterprise
- Consultancy
- Academic or research
- Individual
- Other
- If you answered 'Other' above, please provide details:

Q4. Please provide any further information about your organisation or business activities that you think might help us put your answers in context. (Optional)

Western Riverside Waste Authority is the statutory joint waste disposal authority, formed under the 1985 Local Government Act, responsible for the treatment of waste produced by around one million local residents in the London Boroughs of Hammersmith & Fulham, Lambeth and Wandsworth and the Royal Borough of Kensington and Chelsea.

Q5. Would you like your response to be confidential?

Yes / No

If you answered 'Yes' above, please give your reason:

Our approach

Principles

Q6. Do you agree with the principles proposed for packaging EPR?
(a) Yes
(b) No
(c) I neither agree nor disagree
Please briefly state the reasons for your response. Specifically, if you respond No, please identify which principles you do not agree with and explain why.

In order for the objectives of the waste hierarchy to be realised it is essential that the 'producer pays' principle is introduced at the most effective point in the packaging supply chain.

This must be the point that can most effectively influence both the type and amount of packaging being produced and also best encourage the end consumer to responsibly manage that packaging post use.

The Authority's view is that point should be at the retail stage.

Outcomes - what we are hoping to achieve

Q7. Do you agree with the outcomes that a packaging EPR should contribute to?
(a) Yes
(b) No
(c) I neither agree nor disagree
If you answered No, please state which outcomes you do not agree with.

The outcomes the Government wishes to achieves are entirely consistent with the waste hierarchy.

Definition of packaging and packaging waste

Q8. Do you think these types of items not currently legally considered as packaging should be in scope of the new packaging EPR system?
(a) Yes
(b) No
(c) I neither agree nor disagree
Please briefly state the reasons for your response and provide any information to support your view.

These items are often amongst the worst littered items and, as explained briefly in the answer to Question 6, behaviour change will be a key element in the success of an EPR scheme. Consumer convenience is a major selling factor for retailers but

they need to understand that that must come at a price. Retailers have facilitated the single use, throw-away, convenience culture they must now influence and encourage their customers to embrace a more sustainable circular economy.

Types of packaging and sources of packaging waste

Q9. Which of these two classifications best fits with how your business categorises packaging?

(a) Primary, secondary, tertiary

(b) Consumer-facing and distribution/transit

(c) Neither – please say why, and provide a description of how your business categorises packaging

As a local authority, we are primarily concerned with post-consumer packaging and "b" is therefore the most apt classification for us.

Part A: Packaging extended producer responsibility – key principles

1. Full net cost recovery

Q10. Do you agree with our definition of full net cost recovery?

(a) Yes

(b) No, it does not fulfil the Polluter Pays Principle

(c) No, it goes beyond the Polluter Pays Principle

Please briefly state the reasons for your response and provide any information to support your view.

No. Whilst the bulleted costs do cover most of the costs of managing post-consumer packaging waste by the regulated waste management industry (see detailed comments below) it does not cover the ongoing environmental cost caused by material lost from the system. This might be material lost to the oceans or material managed by un-licenced waste companies.

For each material type, if the tonnage of put into the market place each year exceeds that recycled or accounted for in the residual waste stream then obligated businesses should pay a penalty to allow for the deferred costs of dealing with that material.in the future. The penalty level could be linked to the potential for that material to cause future environmental harm so glass might be penalised less per tonne than plastics.

Compliance monitoring and regulation costs are also necessary to ensure the system operates with transparency and fairness and without them the overall cost in environmental and economic terms would be greater.

The bulleted costs in the consultation document do not cover the costs of collecting packaging within the residual waste stream. With collection, consideration also needs to be given to the volume that material represents and not just the weight. Also consideration needs to be made for a proportion of corporate overheads such as communications, depot provision and vehicle financing and maintenance.

There could also be consequential contractual costs for local authorities such as change-in-law or minimum tonnage provisions.

Q11. Do you agree that producers should be required to fund the costs of collecting and managing household and household-like packaging waste, i.e. all consumer facing packaging?

(a) Yes

(b) No
(c) I don't know
If No, please briefly state the reasons for your response and state what waste you think full net cost recovery should apply to.

Q12. Do you agree that packaging for commercial/industrial applications should be out of scope for full net cost recovery?
(a) Yes
(b) No
(c) I don't know
If No, please briefly state the reasons for your response.

Yes, as the consultation document highlights the majority of business to business packaging will end up in the commercial waste stream and its collection and management is paid for by the business/premise where it arises. Alternatively, larger retailers may be able to directly manage this waste themselves by reverse-hauling.

Q13. We would welcome your views on whether or not producers subject to any DRS should also be obligated under a packaging EPR system for the same packaging items.
(a) Yes they should
(b) No they should not
(c) I don't know
Please briefly state the reasons for your response.

Producers still need to be responsible for local authority costs in handling material that consumers do not reclaim a deposit on but instead litter or dispose of via their household recycling or residual waste streams.

The EPR scheme is vital to incentivise reductions in packaging waste and improved design to make it more easily recyclable. The DRS is about behaviour change, by incentivising consumers to recycle their packaging it will become a resource that fits the Circular Economy.

2. Driving better design of packaging

Q14. Do you agree with the development of an 'approved list' of recyclable packaging to underpin the setting of either modulated fee rates or deposits?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

This would seem to be the simplest and most transparent system. However it must be flexible enough so as to not inhibit the innovation of new packaging types and materials.

Q15. Do you think the payment of modulated fees or the payment of deposits with the prospect of losing some or all of the deposit would be more effective in changing producers' choices towards the use of easy to recycle packaging?

(a) Modulated fee

(b) Deposit (for recyclable packaging) and fee (for non-recyclable packaging)

(c) I don't know / I don't have enough information

Please briefly state the reasons for your response and provide any information to support your view.

Both approaches suggested by the Government need to incorporate the two key concepts highlighted in the Authority's answer to Q10 above:

a) There is no concept of material that is "lost" from the system. The assumption is that it is either recycled or ends up in the residual waste stream. Any input material not accounted for should be assumed to have been lost to the environment and a significantly higher financial sum paid for that material..

b) The potential for environmental harm - a system based purely on the financial costs of handling different forms of material means heavier, but potentially less environmentally damaging products may be disadvantaged compared to lighter ones (e.g. glass bottles versus plastic bottles).

However, with the points above addressed the modulated fee approach would appear to be the simpler of the two options and is consistent with the Authority's preferred Governance Model in Section 7.

Q16. Do you think there could be any unintended consequences in terms of packaging design and use arising from:

(a) Modulated fees
(b) Deposit (for recyclable packaging) and fee (for non-recyclable packaging)
(c) I don't know / I don't have enough information
Please briefly state the reasons for your response and provide any information to support your view.

Q17. Do you agree that the deposit approach should be designed to incentivise more closed loop recycling?
(a) Yes
(b) No
(c) I neither agree nor disagree
Please briefly state the reasons for your response and provide any information to support your view.

Yes, but this principle should apply equally to the Modulated fees approach.

3. Obligated producers

Q18. What do you consider to be the most appropriate approach to a single point of compliance, the Brand-owner or the Seller approach?

(a) Brand-owner

(b) Seller

(c) Other

(d) I don't support moving to a single point of compliance

Please briefly state the reasons for your response and provide any information to support your view.

The Authority agrees with the Government that a single point of compliance is the best approach and those businesses that have the greatest amount of influence over the design and use of packaging should be the ones obligated.

That ability to influence has got to extend not only to the supply chain, to dictate the type and amount of packaging used, but also to the consumer to drive the behaviour change necessary to ensure that packaging is correctly reused or recycled..

Sellers are the only people able to perform both roles effectively. The major retailers are best placed to drive both better packaging design and influence what the consumer ultimately does with that packaging.

Q19. If a single point of compliance approach was adopted, do you think the de-minimis should be:

(a) Replaced with a lower turnover threshold?

(b) Retained and wholesalers and direct-to-retail sellers take on the obligation of those below the threshold?

(c) Other, please state

(d) Don't know

Please briefly state the reasons for your response and provide any information to support your view.

For practical reasons, there needs to be a de-minimis level. However, the packaging adopted by the major retailers is likely to quickly become the norm across the market. Making wholesalers responsible for the packaging of the non-obligated businesses below the threshold makes sense as the costs would still ultimately be borne by those smaller businesses but without excessive regulation costs.

Q20. Should small cafés and restaurants selling takeaway food and drinks whose packaging is disposed 'on the go' be exempt from being obligated?
(a) Yes
(b) No
(c) Don't know
Please briefly state the reasons for your response and provide any information to support your view.

No, simply because the costs of regulation would be too high, As per the answer to Question 19 above the obligation for small businesses below the threshold should be placed on the wholesaler.

Q21. If shared responsibility is retained, is Option A or Option B preferable for including smaller businesses or the packaging they handle in the system?
(a) Option A (Lower or remove the de-minimis)
(b) Option B (De-minimis threshold remains as is and obligations extended to distributors of packaging or packaged products)
(c) Other, please state
(d) I don't know
Please briefly state the reasons for your response and provide any information to support your view.

Consistent view with the Authority's position on Questions 19 and 20.

Q22. If you have stated a preference for A, do you think the de-minimis threshold should:
(a) Be reduced (please state your suggested threshold)
(b) Be removed entirely
Please briefly state the reasons for your response and provide any information to support your view.

Not applicable.

Q23. Overall, do you have a preference for maintaining a shared responsibility compliance approach, or moving to a single point of compliance?
(a) Shared responsibility
(b) Single point of compliance
Please briefly state the reasons for your response and provide any information to support your view.

More transparent to have only business in the supply chain responsible and as explained earlier the seller is best placed to be able to influence not only the supply chain but also the consumer.

Q24. Do you have a preference for how small businesses could comply?
(a) Pay a flat fee to include a contribution to a communications fund

(b) Apply an allocation formula
(c) Other, please describe
Please briefly state the reasons for your response and provide any information to support your view.

As neither (a) or (b) is linked to the amount of packaging used by small businesses it would seem fairer to have a method linked to turnover rather than just a flat fee.

Q25. Do you think that requiring operators of online marketplaces to take the legal responsibility for the packaging on products for which they facilitate the import would be effective in capturing more of the packaging that is brought into the UK through e-commerce sales?
(a) Yes
(b) No
(c) Other, please suggest options
Please briefly state the reasons for your response and provide any information to support your view.

Imports need to be captured in some form and this would seem to be a pragmatic solution that will capture a large proportion of packaging imports direct to consumers.

4. Supporting improved collections and infrastructure

Q26. Do you agree payments to local authorities for collecting and managing household packaging waste should be based on:

(a) provision of collection services that meet any minimum standard requirements (by nation);

(b) quantity and quality of target packaging materials collected for recycling;

(c) cost of managing household packaging waste in residual waste

Please briefly state the reasons for your response and provide any information to support your view.

The obligated producers, ideally seller in our opinion, should be responsible for ALL the costs of the packaging they place on the market as they are best placed to influence:

a) the type and quantity of product packaging used; and
b) what their customers do with that packaging post use.

The amount that retailers need to reimburse local authorities should therefore be based on a combination of all 3 factors. Please also see the answer to Q10.

Local authorities should receive their gross costs with producers taking the risk on commodity values as these ought to act as a natural hedge for them i.e. low recyclate prices should equate to lower future packaging costs and vice-versa.

Q27. Do you think we have considered all of the costs to local authorities of managing packaging waste?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

Any transfer station and onward transportation costs must also be included.

Service changes may incur additional contractual costs and there is also the potential that legislative requirements could trigger “Change in Law” provisions within contracts.

Q28. Do you agree with our approach to making payments for the collection of household-like packaging waste for recycling?

(a) Yes

(b) No
(c) I neither agree nor disagree
Please briefly state the reasons for your response and provide any information to support your view.

The Authority agrees that a clear and transparent formula system needs to be put in place but housing density, rather than deprivation, should be the key factor.

Q29. Should businesses producing household-like packaging receive a payment for the costs of household-like packaging waste in residual waste?
(a) Yes
(b) No
(c) I neither agree nor disagree
Please briefly state the reasons for your response and provide any information to support your view.

This would be too complicated.

Payments should be made to waste management firms and local authorities that manage this waste, in a similar way to that for household waste.

The benefit of these payments could then be passed onto business customers, or not, in the normal way.

Q30. Are there other factors, including unintended consequences that should be considered in determining payments to:
(a) Local authorities?
Please explain the reasons for your response and provide any information to support your view
(b) For the collection and recycling of household-like packaging waste?
Please explain the reasons for your response and provide any information to support your view.

It is important that all local authorities are reimbursed their costs.

There will be many valid reasons including location, urbanisation, contractual positions and so forth why all local authorities cannot operate to the same level of quantity, quality and cost at any given time.

The system must ensure that obligated businesses do not end up dictating how local authorities run their collection services.

Q31. Do you have any information that would help us to establish the costs incurred by

local authorities and other organisations of cleaning up littered and fly-tipped packaging items?

No.

Q32. How do you think producer fees could be used to improve the management of packaging waste generated on-the-go?

This problem is best dealt with through a Deposit Return System.

Q33. Do you have any information that would help us to establish the costs of collection and disposal of increased on-the-go provision?

No.

Q34. Do you agree that provision for the take back of single-use disposable cups for recycling should continue to be developed a voluntary basis by business prior to a government decision on whether disposable cups are included under an EPR scheme or DRS?

(a) Yes
(b) No
(c) I neither agree nor disagree
Please briefly state the reasons for your response and provide any information to support your view.

Retailers provide consumers with the convenience of disposable cups to help increase sales but the cups are generally difficult to recycle and often littered.

Retailers should therefore be required to:

a) address the recyclability issue, through better design; and
b) influence customer behaviour so that cups are recycled or disposed of responsibly.

Q35. Do you think the recycling of single-use disposable cups would be better managed through a DRS or EPR scheme?

(a) DRS
(b) EPR
(c) Both
(d) None of these options
Please briefly state the reasons for your response and provide any information to support your view.

Voluntary DRS systems can work at sporting events or concerts when cups can be reused and easily redeemed on exit. However, due to the basic design of cups (i.e.

open such that residue liquid leaks), it is unlikely that consumers would be willing to retain them in an “on the go” scenario. Therefore an EPR approach, particularly one that strongly incentives waste minimisation in this area, would be better than a DRS in this instance.

Q36. Do you think a recycling target should be set for single-use disposable cups?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

Yes to ensure improvements are made. Behaviour change in this area can act as a significant “nudge” factor in influencing consumer behaviour change towards other packaging materials.

5. Helping consumers do the right thing – communications and labelling

Q37. Should producer fees be used to support local service related communications delivered by local authorities?

(a) Yes
(b) No
(c) I neither agree nor disagree
Please briefly state the reasons for your response. Where available, please share evidence to support your view.

In part, so that local authorities can set out how their own collection systems work.

Q38. Should producer fees be used to support nationally-led communications campaigns in each nation?

(a) Yes
(b) No
(c) I neither agree nor disagree
Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Yes, this where the majority of the communication spend needs to be focussed and new labelling on packaging, that tells the public what is recyclable and what is not, is key to this. Please see answer to Question []

Q39. Are there any circumstances where producers should be exempt from contributing to the cost of communications campaigns?

(a) Yes
(b) No
(c) I neither agree nor disagree
Please briefly state the reasons for your response. Where available, please share evidence to support your view.

All producers have a responsibility in this area.

Q40. Do you agree it should be mandatory for producers to label their packaging as Recyclable/Not Recyclable?

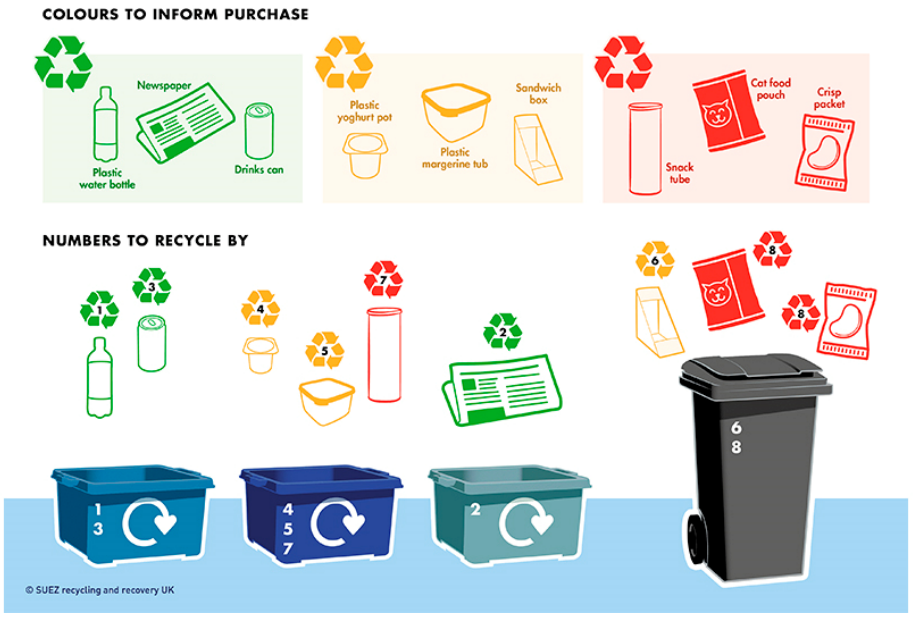
(a) Yes
(b) No
(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

The Authority believes a system based around that proposed by Suez which can be found at:

https://www.suez.co.uk/en-gb/news/press-releases/181009-recycle-by-numbers-system-could-provide-solution-for-confused-consumers

The pictorial below shows how simple and effective the labelling could be:



"Under this system, each product category (as determined by the availability of an appropriate recycling system – like aluminium, plastic bottles, card, or glass) is also then assigned a permanent number, correlating with the same number placed on bins and recycling containers across the country. Businesses and councils would simply label their existing waste containers with the relevant numbers, depending on what can be recycled locally, rather than trying to "harmonise" hundreds of different systems by introducing new containers and infrastructure – a proposition many local authorities oppose."

Q41. Do you think that the percentage of recycled content should be stated on product packaging?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

No. Too much labelling is distracting and consumers do not need to know that level of detail. The Green, Orange, Red colouring in the Suez system would achieve this.

Importantly, consumers need to know precisely which recycling or residual waste container they need to put the packaging in. The system proposed by Suez,

referred to in the answer Question 40 above, achieves this.

Q42. If you responded yes to the previous question, how could recycled content information be provided to consumers?
Please describe briefly.

Not Applicable.

Q43. Do you have any other proposals for a labelling system?
Please describe briefly.

No.

Q44. Do you have experience to suggest an appropriate lead-in time for businesses to incorporate any mandatory labelling requirements?

No.

Part B: Packaging waste recycling targets

6. Packaging waste recycling targets to 2030

Q45. In your view, are the estimates made in the Material Flow reports for packaging waste arisings the best available data?

(a) Yes

(b) No

(c) I don't know / I don't have enough information

Please briefly state the reasons for your responses and provide any information to support your view.

Yes, but as the consultation document itself highlights, there is already an in-built incentive for producers to under-report the amount of packaging that they place on the market.

Given that we know that a proportion of packaging material is lost to the environment on land (uncollected litter) or in water systems (drains, rivers, seas), the fact that the estimated tonnage handled by local authorities and registered waste businesses exceeds the tonnage reported as placed on the market is an obvious concern.

The EPR scheme must be clear that the costs for all packaging material actually handled by local authorities, and other properly registered waste businesses, must be reimbursed by producers.

Q46. Are you aware of any other factors which may affect the estimates of packaging waste entering the waste stream?

(a) Yes

(b) No

(c) I don't know / I don't have enough information

Please briefly state the reasons for your responses and provide any information to support your view.

Q47. In your view, are there other factors which may affect the amounts of obligated tonnage reported?

(a) Yes

(b) No

(c) I don't know / I don't have enough information

Please briefly state the reasons for your responses and provide any information to support your view.

Q48. Do you agree with the packaging waste recycling targets proposed for 2025?

(a) Yes

(b) No

(c) I neither agree nor disagree
Please briefly state the reasons for your responses and provide any information to support your view.

Given that in 2016 the UK recycled 65% of its packaging waste, targets of 66% by 2025 and 70% by 2030 would not seem overly ambitious.

Even more so given that the consultation document itself reports Belgium managed to recycle over 80% of its packaging waste in 2016.

Q49. Do you agree with the packaging waste recycling targets proposed for 2030?
(a) Yes
(b) No
(c) I neither agree nor disagree
Please briefly state the reasons for your responses and provide any information to support your view.

Please see the answer to Question 48 above.

Q50. Please provide your views on the policies and actions that could help us achieve an even higher overall packaging recycling rate, for example 75%, as well as your views on the costs associated with doing so.

Higher penalties, with the same policies and actions, will drive change more quickly.

Other improvements could be made by extending local authority powers under section 46 of the Environmental Protection Act 1990 to cover not just the occupier but also others best placed to control the waste presented such as landlords and managing agents with clear and unambiguous powers to charge for clearances.

The proposed DRS could also be extended beyond simply drinks packaging.

Q51. Do you foresee any issues with obtaining and managing nation specific data?
(a) Yes
(b) No
(c) Don't know
Please briefly state the reasons for your responses and provide any information to support your view.

However, it will be much simpler and transparent if the seller was obligated rather than the brand and the same information could be used on a regional and local basis.

Q52. Should a proportion of each material target be met by "closed loop" recycling, e.g. as is the case for glass recycling targets?

(a) Yes
(b) No
(c) I don't know / I don't have enough information
Please briefly state the reasons for your responses and provide any information to support your view.

Yes, the objective is not just to recycle waste but to move it further up the waste hierarchy, indeed the ministerial foreword to the Resources and Waste Strategy said:

"Our goal is to move to a more circular economy which keeps resources in use for longer – for that to happen, we must all reduce, reuse and recycle more than we do now."

Q53. Should government set specific targets for individual formats of composite packaging?
(a) Yes
(b) No
(c) I don't know / I don't have enough information
If yes, what key categories of composite packaging should be considered?
Please briefly state the reasons for your responses and provide any information to support your view.

Yes. The Authority believes that the producers of composite packaging which, in the real world, is extremely difficult to recycle should pay the true costs of handling this material (often it's the residual waste cost).

The current system, which allows producers to buy recycling evidence based on the individual components of composite packaging, is deeply flawed.

The categories of composite packaging that should be considered include:

- waxed drinks cartons;
- pet food pouches;
- crisp tubes and packets;
- "flip-top" glass bottles
- cardboard boxes with physically attached plastic e.g. new computers
- toys

Q54. Do you agree with the proposed interim targets for 2021 and 2022 set out in Table 6?
(a) Yes

(b) No
(c) I neither agree nor disagree
Please briefly state the reasons for your responses and provide any information to support your view.

Given that the effects of the proposed Deposit Return and Extended Producer Responsibility schemes will take some time to filter through, the proposed short term targets seem reasonable.

Q55. Do you agree with the proposal to increase the allocation method percentage to 35% for 2021 and 2022?
(a) Yes
(b) No
(c) I neither agree nor disagree
Please briefly state the reasons for your responses and provide any information to support your view.

It's currently 30% but the Authority does not know what impact, positive or negative, the proposed increase would have on small businesses.

Part C: Governance arrangements

7. Governance models

Q56. Overall, which governance model for packaging EPR do you prefer?
(a) Model 1
(b) Model 2
(c) Model 3
(d) Model 4
Please briefly explain your preference.

EPR does not, as is often portrayed by producers, result in an increase in costs. Rather, what EPR does is move the exiting costs towards those in the supply chain who generate them.

The Authority prefers Model 2.

Model 1 is too similar to the existing flawed system and gives too much control to producers. It places local authorities in competition against each other and will result in producers trying to dictate what material is collected and how.

Model 2 clearly separates the role of the waste management industry from the producers. Local Authority's will not be in competition with each other and will be fairly reimbursed for the packaging material they collect.

Model 3 is a hybrid system and, from a local authority perspective, should be no different from Model 2. The difference is that commercial and industrial packaging waste (i.e. business to business waste would be managed in the manner set out in Model 1. However, having two

systems, to carry out essentially the same function, seems inefficient and has the potential to create unnecessary complications and reduce transparency.

Model 4 is not as simple and transparent as Model 2 and the Authority notes that the Government has not found a scheme similar to Model 4 operating anywhere elsewhere in the world (even when it has been an option) so it has greater potential for unknown costs and risks.

Q57. If you had to modify any of the models in any way to make them better suited to achieve the principles and outcomes government has set for packaging EPR what changes would you suggest?

The models are only indicative so it is difficult to comment on detailed aspects.

Q58. Do you have any concerns about the feasibility of implementing any of the proposed governance models?

a) Yes
b) No
c) If yes, please provide specific reasons and supporting information for each governance models that you have concerns about.

Q59. Do you think that any of the governance models better enable a UK-wide approach to packaging producer responsibility to be maintained whilst respecting devolved responsibilities?

Model 2 would allow this to be achieved most straightforwardly.

Q60. Stakeholders have suggested that a compliance fee mechanism similar to the arrangements currently in place under the WEEE producer responsibility scheme should be introduced if a competitive evidence market continues to operate such as in Model 1. Do you agree?

(a) Yes
(b) No
(c) I don't know / I don't have enough information
Please briefly state the reasons for your response and provide any information to support your view.

The Authority does not support Option 1 and the WEEE producer responsibility scheme does not cover all local authority costs associated with WEEE (particularly those items that remain in the residual waste stream).

Q61. Should a Packaging Advisory Board be established to oversee the functioning of the EPR system and the compliance schemes in the competitive compliance scheme model 1 or do you think other arrangements should be put in place?

(a) Packaging Advisory Board
(b) Other – please provide details
Please briefly state the reasons for your response and provide any information to

support your view.

The Authority does not support Option 1.

Q62. Please let us know your thoughts as to whether the proposed single management organisation should be established on a not-for-profit basis or as a government Arm's Length Organisation.

A "not-for-profit" basis will better control cost.

Q63. If such a management organisation is established as not-for-profit, one option is for government to invite proposals from potential operators and then issue a licence to operate for a defined period of time. Do you agree with this approach?
(a) Yes
(b) No
(c) If no, would you like to suggest an alternative approach?

Q64. Should a single scheme be established for household/household-like packaging and C&I packaging as described for model 2?
(a) Yes
(b) No
(c) I don't know / I don't have enough information
Please briefly state the reasons for your response and provide any information to support your view.

This is the simplest and most transparent model and it will not require local authorities to compete against each other. Please see answer to Question 56 above.

Q65. Or, should there be a separate system for managing compliance for household/household-like packaging and C&I packaging as described for model 3?
(a) Yes
(b) No
(c) If yes: could model 3 work as described? Or would additional mechanisms be required to make this approach work effectively, please indicate what these might be?
(d) If no: do you have suggestions on an alternative approach?

Please see answer to Question 56 above.

Q66. Under model 4 are producers more likely to?
(a) Manage their own compliance?
(b) Join a compliance scheme?
Please briefly state the reasons for your response and provide any information to support your view.

It may be more cost efficient for them to obtain the recycling evidence in this way.

8. Responsible management of packaging waste domestically and globally

Q67. Do you agree that government should seek to ensure export of packaging waste is undertaken in a transparent and environmentally responsible manner?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

Historically it has been the export of low grade material that has caused some of the largest environmental damage.

Q68. Do you agree that measures identified here would help ensure the export of packaging waste is undertaken in a transparent and environmentally responsible manner?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

All the proposed measures are an improvement on the current arrangements.

Q69. Have we missed potential measures that you believe need to be considered alongside those measures we have proposed?

(a) Yes

(b) No

(c) If yes, please explain which potential measures should be considered.

Q70. Do you have any concerns about the feasibility and / or costs of implementing any of the proposed measures?

(a) Yes

(b) No

(c) If yes, please provide specific reasons and supporting information for each measure that you have concerns about.

9. A more transparent system

Q71. Do you agree that accredited reprocessors and exporters should be required to report their financial information?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view. If you answered no, how would you suggest transparency is provided on how income from the sale of evidence has been used to support capacity building?

It is essential to ensure the transparency of the system. However it is bureaucratic and would be avoided by the adoption of Governance Model 2, the Authority's preferred model.

Q72. Should accredited reprocessors and exporters be required to generate evidence for every tonne of packaging waste that they process?

a) Yes

b) No

c) I don't know

Please briefly state the reasons for your response and provide any information to support your view.

As proposed by the consultation document, reprocessors and exporters should be accredited, required to report data periodically and generate evidence of reprocessing/recycling for the packaging waste they handle.

The Authority believes that this will aid transparency and give the public the confidence that recyclables, particularly those that are exported, are being managed in a responsible manner.

Q73. Should accredited reprocessors and exporters be required to report on the packaging waste they handle monthly?

a) Yes

b) No

Recycling markets are volatile and can change quickly, often through reasons unconnected with the general principles of supply and demand. Monthly reporting will produce a clearer market picture.

Q74. Do you think that any additional measures to those already described would be required to ensure transparent operating of the evidence market in model 4?

(a) Yes

(b) No

(c) I don't know

If yes, please provide details

The Authority believes that Model 4 is likely to be less transparent in its operation and may

have a greater potential for fraudulent activity.

Q75. Are there any additional requirements that should be placed on compliance schemes to ensure greater transparency of their operations and reporting?
(a) Yes
(b) No
(c) I don't know
If Yes, please briefly state the reasons for your response and provide any information to support your view.

Q76. Under a reformed system do you think compliance schemes should continue to be approved by the existing regulators or do you think a different approach is required?

(a) Yes, approved as now
(b) Other, please explain

Q77. Are there any additional requirements of a single producer organisation to ensure transparency of its operation and reporting?
(a) Yes
(b) No
(c) I don't know
If yes, please briefly state the reasons for your response and provide any information to support your view.

The organisation should also be required to report on:

- any difference between the amount of each material placed on the market and the amount recovered;
- what packaging is recyclable, at what cost and with what end market.
- how the scheme has met all the costs of all local authorities (has the system unwittingly produced winners and losers?).

Q78. Do you think there is a need to make more information on packaging available to consumers?
a) Yes
b) No
Please briefly state the reasons for your response and provide any information to support your view.

Yes but not on the packaging itself. The messaging on the packaging needs to be simple and confined to that needed for the public to play their part.

The information should be produced and disseminated by the management organisation as part of its annual reporting requirements.

10. Compliance monitoring and enforcement

Q79. Are there other datasets that will be required in order to monitor producers in any of the proposed models?
(a) Yes
(b) No
If yes please explain which datasets will be needed.

No response provided for this Question.

Q80. Is there a specific material, packaging type or industry sector whereby producing accurate data is an issue?
(a) Yes
(b) No
If yes, please provide further information on where producing accurate data may be an issue.

No response provided for this Question.

Q81. Do you think a single database, as opposed to the current range of methodologies available, would be an effective alternative?
(a) Yes
(b) No
Please briefly state the reasons for your response and provide any information to support your view.

As the consultation document points out this would ensure that all producers would be required to report in a consistent and transparent manner.

Q82. Do you agree that compliance schemes (models 1 and 3), the producer management organisation (model 2) or the scheme administrator (model 4) should be responsible for carrying out audits of producers, which should be reportable to the regulators?
(a) Yes
(b) No
(c) I neither agree nor disagree
Please briefly state the reasons for your response and provide any information to support your view.

These would seem to be the efficient way to monitor producers.

Q83. Do you support the broadening of legally enforceable notices to obtain required information?
(a) Yes
(b) No

(c) I neither agree nor disagree
Please briefly state the reasons for your response and provide any information to support your view.

Enforcement powers will be necessary to ensure any of the proposed models works effectively.

Q84. Are there other enforcement mechanisms that should be considered which would be timely and effective to bring producers into compliance, for example in relation to free riders?
a) Yes
b) No
If yes, please explain which other enforcement mechanisms should be considered.

No response provided for this Question.

Q85. Are there any further data that should be required to be collated / collected via compliance schemes or a single management organisation?
Please provide brief details.

No response provided for this Question.

Q86. Do you think a penalty charge, as described, is the correct lever to ensure packaging recycling targets are met?
a) Yes
b) No
c) I don't know
Please briefly state the reasons for your response and provide any information to support your view.

Yes, learning from experience with the WEEE compliance scheme, so as to provide the safeguards that the consultation document describes.

Q87. Should stakeholders other than reprocessors or exporters be able to issue evidence of recycling?
a) Yes
b) No
c) I don't know
Please briefly state the reasons for your response and provide any information to support your view.

To do so would create a real risk of evidence being double counted.

Q88. Are there any additional enforcement powers that should be applied to waste sorters, MRFs and transfer stations handling packaging waste?
a) Yes
b) No

If yes, please explain which other enforcement powers should be available.

Q89. Do you agree with the proposed amendments to enforcement powers relating to reprocessors and exporters?

(a) Yes

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

Clear and strong enforcement powers will be necessary to give all participants in the process, including the public, the confidence that the systems are working as envisaged.

Q90. Do you have any evidence to indicate that under any of the proposed governance models the likelihood of waste packaging being imported and claimed as UK packaging waste might increase?

(a) Yes

(b) No

If yes, please provide information on any evidence you have.

However the potential for this is reduced under Model 2 which is the Authority's preferred solution.

Q91. Is the current requirement for a sampling and inspection plan and subsequent auditing by the regulator sufficient to address any misclassification of imported packaging waste?

(a) Yes

(b) No

Please briefly state the reasons for your response and provide any information to support your view.

No response provided for this Question.

Q92. Are there other mechanisms that could be considered that would prevent imported UK packaging waste being claimed as UK packaging waste under the proposed governance models?

a) Yes

b) No

c) If yes, please explain which other mechanisms could prevent imported packaging waste being claimed as UK packaging waste.

No response provided for this Question.

Q93. Do you have any additional data or information that will help us to further assess the costs and benefits (monetised or non-monetised) that these reforms will have?

No

Q94. Do you have further comments on the associated Impact Assessment, including the evidence, data and assumptions used? Please be specific.

No.

Q95. If you have any other views or evidence that you think we should be considering when reforming the packaging waste regulations, which you have not yet shared, please add them here.

Only to re-emphasis that the system only deals with the costs of handling material within the waste management system and ignores material lost to the environment i.e. uncollected litter on land (local authorities are only responsible for litter on public land) and material that ends up in our canals, rivers, seas and oceans.

Whilst it is hoped that the Government's proposals will reduce littering and the mismanagement of exported waste, given that it was increased public awareness around these issues that have driven the need for change, it seems short-sighted of Government to overlook the need for producers to also play their part in helping to solve the historic damage that their packaging materials have caused.

Consultation on introducing a Deposit Return Scheme in England, Wales and Northern Ireland

About you

1. **Would you like your response to be confidential?**
   Yes / No
   If you answered 'Yes' above, please give your reason:

   No

2. **What is your name?**

   Mark Broxup

3. **What is your email address?**

   This is optional, but if you enter your email address then you will be able to return to edit your consultation at any time until you submit it. You will also receive an acknowledgement email when you complete the consultation.

   mark@wrwa.gov.uk

4. **Please provide information about the organisation/business you represent.**

   Which of the following best describes you?

   (Please tick only one option. If multiple categories apply to you please choose the one which best describes you and which you are representing in your response.) (Required)

- Business representative organisation/trade body
- Product designer
- Manufacturer
- Distributor
- Retailer
- Waste Management Company
- Local Authority
- Reprocessor
- Community group
- Charity
- Social enterprise
- Independent consultancy
- Academic or researcher
- Individual
- Other

  If you answered 'Other' above, please provide details:

What is the name of the organisation/business you represent? (Required. If you are responding on behalf of yourself please write 'individual')

Western Riverside Waste Authority

What is the approximate number of staff in your organisation? (If applicable)

(7 Full Time Equivalent posts).

5. **Please provide any further information about your organisation or business activities that you think might help us put your answers in context. (Optional)**

Western Riverside Waste Authority is the statutory joint waste disposal authority, formed under the 1985 Local Government Act, responsible for the treatment of waste produced by around one million local residents in the London Boroughs of Hammersmith & Fulham, Lambeth and Wandsworth and the Royal Borough of Kensington and Chelsea.

6. **Does your organisation have any recent experience of a DRS or related policy schemes? If so, can you please briefly explain your experiences?**

No.

7. **Are you content for the UK government, or in Wales, the Welsh Government, or in Northern Ireland, DAERA to contact you again in relation to this consultation?**

Yes.

Basic principles for a DRS

8. **Do you agree with the basic principles for a DRS?**

Yes
No
I neither agree nor disagree
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where there are principles you do not agree with, please outline them here. Where available, please share evidence to support your view

It is fully consistent with the "polluter pays" principle and will drive consumer behaviour change so that more, better quality packaging material is recycled. The DRS will see waste packaging become a genuine resource that can in future follow the circular economy rather than the linear one. The Extended Producer System will seek to reduce waste in the first instance whilst also enabling increased recycling through better product design. .

Proposed models for a DRS system

9. Should the following materials be-in scope of a DRS:

a. PET bottles

Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Easily recyclable if correctly presented for recycling and generally in a "clean" state such that the public will be willing to carry to a DRS point .

b. HDPE bottles

Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Easily recyclable if correctly presented for recycling and generally in a "clean" state such that the public will be willing to carry to a DRS point .

c. Aluminium cans

Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Yes but only aluminium drinks cans. Whilst all aluminium cans are easily recyclable if correctly presented for recycling the Authority does not believe that the public would want to carry non-drink cans and retailers will not want to collect them as they will often still contain food remnants. Food cans should be managed via the EPR scheme.

d. Steel cans

Yes
No
Neither
I don't know / I don't have enough information

Yes but only steel drinks cans. Whilst all aluminium cans are easily recyclable if correctly presented for recycling the Authority does not believe that the public would want to carry non-drink cans and retailers will not want to collect them as they will often still contain food remnants. Food cans should be managed via the EPR scheme.

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

e. Glass bottles

Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Yes but only glass drink bottles. Whilst all glass bottles are easily recyclable if correctly presented for recycling the Authority does not believe that the public or retailers would want to store and carry non-drink bottles as they will often still contain food remnants.

f. Other (please specify)

10. Should the following materials be-in scope of a DRS:

a. Cartons e.g. Tetrapack

Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Although difficult to recycle, producers could use these to replace containers under Q9 as a means of avoiding the DRS.

b. Pouches and sachets, e.g. for energy gels

Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Although difficult to recycle, producers could use these to replace containers under Q9 as a means of avoiding the DRS.

11. If a DRS were to be introduced, should provisions be made so that glass bottles can be re-used for refills, rather than crushed and re-melted into new glass bottles?

Yes
No
Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

The scheme should support the waste hierarchy and after reduction, reuse is the most favourable environmental option and this can realistically be achieved with glass bottles.

12. Should the following drinks be in-scope of a DRS:

a. Water
Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

However the waste hierarchy needs to be encouraged and support for refillable bottles and more public drinking fountains needs to continue. Indeed the concept of refillable bottles and packaging for a number of liquids and products might be something producers seek to encourage.

b. Soft drinks (excluding juices)
Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

c. Juices (fruit and vegetable)
Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

d. Alcoholic drinks
Yes (some)
Yes (all)
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

e. Milk containing drinks
Yes (some)
Yes (all)
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

For the same reasons as milk below.

f. Plant-based drinks (such as soya, rich almond and oat drinks)
Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

For the same reasons as milk below.

g. Milk
Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Milk is a basic foodstuff and should not come under the scope of the DRS and it could also lead to odour issues at reception points. However the containers it comes in should be fully covered under the new EPRS. Other plant based drinks can be equally important for people with dairy allergies.
.

h. Other (please state which):

13. Do you think disposable cups should be in the scope of a DRS?

a. Disposable cups made from paper with a plastic lining (such as those used for coffee)

Yes
No
Neithr
I don't know / I don't have enough information

These are the ultimate consumer convenience item and also not easily recyclable. The way in which consumers use them means that they will be less likely to carry cups to a redemption point. These are better managed through the EPRS .

b. Disposable cups made of plastic (such as those used in vending machines)

c. Yes
No
Neithe
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view. The government is particularly interested in any.

Please see answer above.

14. Do you agree with the proposed material flows as described above?

Yes
No
I neither agree nor disagree
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

It should also be explicit that material which escapes the DRS (i.e. there is no deposit reclaimed) should then fall under the EPRS.

There should also be recognition within the model that a proportion of the target material will continue to be managed by local authorities through their collection systems.

15. Do you agree with the proposed financial flows as described above?

Yes
No
I neither agree nor disagree
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

As with Question 15, It should also be explicit that material which escapes the DRS (i.e. there is no deposit reclaimed) should then fall under the EPRS and there should be recognition within the model that the a proportion of the target material will continue to be managed by local authorities through their collection systems.

Overlap with the packaging producer responsibility system

16. Should producers obligated under a DRS be:

a. Exempt from obligations under the reformed packaging producer responsibility system for the same packaging items?
b. Also obligated under the reformed packaging producer responsibility system for the same packaging items?
c. Other (please explain)
d. I don't know/I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

It is essential that producers, obligated under a DRS, are also obligated under the extended producer responsibility system so that they are properly incentivised to reduce waste through changes in manufacturing processes and product design and also to bear the costs of material that ends up in the household or "household like" waste streams or is littered.

However, it is excepted that provision will need to be made to ensure that producers obligated under a DRS would not be unfairly disadvantaged by a 'double-charge' under both systems.

17. If producers were obligated under both a DRS and a reformed packaging producer responsibility system for the same packaging items, how could we effectively ensure that they would not be unfairly disadvantaged by a 'double charge'?

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Unclaimed deposit monies could be used to subsidise any contributions, associated with drinks containers, due under the EPRS. Indeed it would make sense that the Deposit Management Organisation and the Extended Producer Responsibility scheme were run by the same not-for-profit organisation.

Deposit Management Organisation (DMO)

18. Do you agree that the DMO should be responsible for meeting high collection targets set by government?

Yes
No

I neither agree nor disagree
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

There will need to be targets to incentivise the DMO to supply sufficient, effectively located, return points.

19. Should the DMO also be responsible for meeting high recycling targets set by Government?

Yes
No
I neither agree nor disagree
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

Yes – the responsibility for recycling targets on this material should be removed from local authorities and placed on producers.

20. Should unredeemed deposits be used to part-fund the costs of the DRS system?

Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

No – to do so could incentivise producers to limit the availability of return points thus undermining the purpose of the scheme. Unredeemed deposit monies should instead transfer to the EPRS.

21. If unredeemed deposits are not used to part-fund the costs of the DRS system, do you agree they should be passed to government?

Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

No – unredeemed deposit monies should instead transfer to the EPRS.

22. Do you have alternative suggestions for where unredeemed deposits could be allocated?

To the new Extended Producer Responsibility Scheme

23. If the scheme is managed by the DMO, which of the following bodies should be represented on the management board:

a. Industry (drinks producers)?
b. Government
c. Trade associations representing those hosting return points (e.g. retailers, small shops, transport hubs)?
d. Companies representing those hosting return points (e.g. retailers, small shops, transport hubs)?
e. Other (please specify)

All the above plus local authorities who, at the very least,, may have a public realm interest.

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

24. Should there be government involvement in the set-up/running of the DMO body?

Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

It should be set up by the Government as an Executive Non-departmental Public Body i.e. a body overseen by a board rather than ministers but with appointments made by ministers. The DMO would then employ its own staff and set its own budgets.

25. Do you agree with the government's proposals that a DMO would:

a. Advise government on the setting of the deposit level/s
Yes
No
I neither agree nor disagree
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

The DMO should set deposit levels itself (not the Government) at the levels necessary to meet the targets set by Government (and avoid the associated penalties).

b. Set producer/importer fees

Yes
No
I neither agree nor disagree
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

This seems different to (a) in that there is no requirement to advise Government but it is implied the DMO would set the fee which the Authority agrees with.

c. Be responsible for tracking deposits and financial flow in the DRS – and ensuring those running return points are paid the deposits they refund to consumers
Yes
No
I neither agree nor disagree
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

This is simply a part of the overall management process.

d. Set and distribute the handling fees for return points
Yes
No
I neither agree nor disagree
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

This is simply a part of the overall management process.

e. Be responsible for ensuring that there are appropriate return provisions for drinks containers in place, and that these are accessible?
Yes
No
I neither agree nor disagree
I don't know / I don't have enough information

f. Be responsible for maintenance of reverse vending machines (RVMs) and provision of bags/containers to those running manual return points
Yes
No
I neither agree nor disagree
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

This is simply a part of the overall management process.

g. Own the material returned by consumers
Yes
No
I neither agree nor disagree
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

This is simply a part of the overall management process.

h. Reimburse those transporting returned drinks containers to recyclers/counting/sorting centres – and manage these contracts
Yes
No
I neither agree nor disagree
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

This is simply a part of the overall management process.

i. Fund counting sorting/centres – and manage the contracts for counting/sorting centres
Yes
No
I neither agree nor disagree
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

This is simply a part of the overall management process.

j. Be legally responsible for meeting the high collection targets set by government for drinks containers within scope of the DRS.
Yes
No
I neither agree nor disagree
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

This is an essential requirement to drive the behaviour change that the DRS is designed to achieve.

k. Measure and report recycling rates to government
Yes
No

I neither agree nor disagree
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

However there needs to be an independent audit of this process possibly by the Environment Agency.

l. Run communications campaigns to aid consumer understanding of the DRS
Yes
No
I neither agree nor disagree
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

This is simply a part of the overall management process

Producers

26. Do you agree with our proposed definition of a producer?

Yes
No
I neither agree nor disagree
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

It will be the producers and importers that will be responsible for placing the appropriate labelling on their packaging. Also, if it was the retailer the potential for fraud would be greater.

27. Should there be a de minimis which must be crossed for producers and importers of drinks in-scope of a DRS to be obligated to join the scheme?

Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

28. Should a de minimis be based on:

a. Number of employees
    i. If yes, how many employees?
b. Sales figures

ii. If yes, what figure?

c. Volume/weight of drinks put on the market
   iii. If yes, what volume/weight?
d. None of these
e. Other

29. If there is a buy back scheme for recycled materials, do you have evidence for how this could be effectively run?

No.

30. In line with the principle of full net cost recovery, the government proposes that producers would cover the set up costs of the DMO? Do you agree with this proposal?

Yes
No
I neither agree nor disagree
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

Producers will simply pass this cost on to consumers as part of the drink cost.

31. Should the DMO be responsible for co-ordinating the set-up of the DRS, including buying RVMs and an IT system?

Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

Producers will simply pass this cost on to consumers as part of the drink cost.

Operational costs

32. Should producers of drinks within a DRS be responsible for DRS operational costs?

Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

Producers will simply pass this cost on to consumers as part of the drink cost.

Retailers / return provisions

33. Which of the following should be obligated to host a return point?

a. Retailers who sell drinks containers in scope
b. Transport hubs
c. Leisure centres
d. Event venues
e. None of these
f. Other (please specify)

Please briefly state the reasons for your response. Where available, please share evidence to support your view

For a DRS to be successful it needs to be as convenient as possible for the public to use but, other than retailers who sell the products, other venues should not be obligated. Rather the DMO should, via commercial agreements, incentivise other venues to participate. Consideration should also be given to obligating reverse logistics on retailers that carry out grocery deliveries.

34. What might the impacts be on those hosting:

(a) Reverse vending machines? Where available, please share evidence to support your view.

Problems if machines are not emptied and cleaned sufficiently regularly. However the increased footfall may be an attraction for smaller venues.

(b) Manual return points? Where available, please share evidence to support your view.

Storage space, particularly if returns outweigh sales at a particular location.

35. Are there any Health and Safety-specific implications that may be associated with hosting return points?

No knowledge.

36. Is there a de minimis level under which businesses who sell drinks in scope should be exempt?

Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

37. Should a de minimis be based on:

a. Floor size
    i. If yes, what floor size?
c. Sales figures for drinks in scope
    ii. If yes, what figure?
d. Number of employees
    iii. If yes, how many employees?
e. None of these
f. Other (please specify)

38. Please briefly state the reasons for your response. Where available, please share evidence to support your view

This would appear to be the simplest and fairest system but we have no evidence as to at what level it should be set.

39. Do you have alternative suggestions for return provisions that could be used to accept the return of drinks containers? Please provide details.

No.

40. For consumers who would have difficulty returning empty drinks containers, what provisions could be put in place so that these consumers are able to return drinks containers and receive their deposit refund?

Reverse logistics on home grocery deliveries

41. What provisions could be put in place for rural areas where there may be few small retail outlets spread over a wider area, in order to ensure that there are adequate return and collection facilities?

Reverse logistics on home grocery deliveries

42. Do you have evidence that would help inform us about whether there is potential for siting RVMs outdoors e.g. in parks, at existing outdoor recycling centres, on highstreets?

No evidence available.

43. Should online retailers selling drinks in in-scope containers be obligated to pick up and refund DRS material?

Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where possible, please provide supporting information.

Reverse logistics should be compulsory for home grocery deliveries but for smaller one off retail products delivered by courier or post this may not be practicable.

44. Should there be a de minimis under which online retailers would not be obligated to pick up and refund DRS material?

Yes
No
Neither
I don't know / I don't have enough information

See answer above.

If yes, should a de minimis for online retailers be based on:

a. Sales figures for drinks in scope
b. Number of employees
c. None of these
d. Other (please specify)

45. Should certain businesses which sell drinks in in-scope drinks containers host return points, e.g. pubs, hotels, cafes? Please provide details.

Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where possible, please provide supporting information.

Unless the business is selling drinks for consumption off premises and then only if they fall above a de minimis level

46. Should there be an opportunity for retailers that don't stock drinks / those who may not be obligated to provide a return point to 'opt-in'?

Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where possible, please provide supporting information.

As per our answer to question 33. For a DRS to be successful it needs to be as convenient as possible for the public to use but, other than retailers who sell the products, other venues should not be obligated. Rather the DMO should, via commercial agreements, incentivise other venues to participate.

47. Do you have any further views, comments or evidence in relation to retailers

not already covered above?

No.

On-trade Sales

48. How should a DRS account for 'on-trade' sites such as bars and restaurants

Establishment receive their deposit back on return of empty containers. They would therefore lose out on breakages. A similar system would need to work for unsold goods with retailers.

The deposit

49. What do you consider to be the optimum deposit level to incentivise return of drinks containers?

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

The DMO should set the figure at the level necessary to meet its targets and this may be different for different types of bottles or different drinks and vary from time to time with experience and the level of behaviour change necessary.

50. Should the deposit level be a flat rate across all drinks containers covered by the DRS?

Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

See answer to question 49

51. Should there be an alternative deposit level for drinks containers in a multipack, rather than each container carrying the same deposit?

Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

The multipack will ultimately be split into individual containers.

52. How do you think deposits should be redeemed? Please tick all that apply.

a. Voucher (for deposit value, printed by the reverse vending machine or by the retail assistant at manual drop-off points)
b. Digitally (for example a digital transfer to a smartphone application)
c. Cash
d. Return to debit card
e. Option to donate deposit to charity
f. Other (please state)
g. None of the above

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Any of the above but it should be a requirement that an option to take it in the form of a monetary amount that can be spent anywhere i.e. not just an in store voucher.

Cash should still be an option for retailers if they choose it,. This may suit some smaller retailers if they see it encourages in shop spending at the time of deposit.

If other problems occur, such as “bin-raiding” other actions should be taken by the DMO and/or local authorities to address those problems that do not undermine the core principles of the DRS.

Sending material on for recycling and data recording

53. Should the DMO be responsible for ensuring that there is evidence that drinks containers have been recycled?

Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

The DMO is responsible for meeting the targets so it should be responsible for providing the proof.

54. In addition to reporting on collection rates, should the DMO also be obliged to report on recycling rates of in-scope drinks containers?

Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

The DMO should be responsible for meeting both collection and recycling targets and be responsible for providing evidence of both.

Transparency

55. How do you think transparent financial flows in a DRS could be achieved most effectively?

Please explain you answer, providing evidence where available.

Via the DMO's regular audited accounts.

Monitoring and enforcement

The DMO

56. Would Environment Agencies in England, Wales and Northern Ireland be best placed to monitor/enforce a DRS covering England, Wales and Northern Ireland?

If no, why and is there another body that would be better suited to perform this function?

Yes
No
Neither
I don't know / I don't have enough information

Please explain your answer.

Independent audit of the DMO's performance is essential.

57. How frequently should the DMO be monitored?

(This monitoring would look at, i.e., financial accounts, material flows, proof of recycling rates, setting of deposit level (if done by the DMO))

a. Annually
b. Bi-annually

- Other (please specify)

58. How often should producers be checked for compliance with the DRS (if compliance is obligated)?

a. Annually
b. Bi-annually

- Other (please specify)

59. Should enforcement focus on:

a. A sample of producers?
b. All producers?

60. Should any penalties (fines) on the DMO or producers/importers be set by the regulator appointed to monitor the DMO?

Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

The Government should set the fines and the regulator will simply rule on compliance.

Fraud

61. Are there any points in the system which you think would be particularly susceptible to fraud? Please state

Matching the level of deposits “paid on return” by retailers to consumers with the number and type of containers returned by the retailer. That will need to be monitored closely by the DMO.

62. Which labelling/markings on drinks containers in scope would best protect against fraud?

Please select all that apply:

a. Deposit value amount
b. Marking indicating inclusion in DRS
c. Existing product barcode (containing DRS information when scanned)
d. Other (please specify)
e. None of the above

Please explain your answer. We are particularly interested in evidence of effective fraud prevention in existing DRS systems.

These seem the most obvious and transparent options.

63. How could return via reverse vending machines (RVMs) best be protected against fraud? We are particularly interested in any evidence you may have to support suggestions.

No evidence to offer.

64. How could the process of manual returns best be protected against fraud? We are particularly interested in any evidence you may have to support suggestions.

No evidence to offer.

65. How could a DRS best protect against fraud across Devolved Administrations in the event of similar schemes with common underlying principles (but not one uniform scheme)?

No evidence to offer.

DRS Options – 'all-in' and 'on-the-go'

'All-in' option

66. Should drinks containers over a certain size, for example beer kegs and containers used for water coolers, be excluded from an all-in DRS?

Yes
No
Neither
I don't know/I don't have enough information

Please state the reasons for your response. Where available, please share evidence to support your view

But they need to be fully captured under the EPRS

67. If drinks containers over a certain size were excluded from an all-in DRS, what should the maximum cut-off size be?

> 3 Litres
> 4 Litres
> 5 Litres
Other
There should be no maximum size cut-off

Please state the reasons for your response. Where available, please share evidence to support your view

We have no evidence to suggest what the best size is.

'On-the-go' option

68. Do you agree with our definition of 'on-the-go' as less than 750mls in size?

Yes
No
Neither
I don't know/I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

A lot of "on the go" bottles are greater than 750ml.

The Authority does not agree with the concept of restricting drinks containers by size under the DRS as it could simply incentivise producers to produce bottle sizes of say 751ml to avoid the DRS.

69. Do you agree with our definition of 'on-the-go' as excluding multipack containers?

Yes
No
Neither
I don't know/ I don't have enough information

Please briefly state the reasons for your response, including in which cases multipack containers should not be excluded from our definition of 'on-the-go'. Where available, please share evidence to support your view

Multipacks will get split and the containers should be regarded as individual units.

70. Based on the information above, and where relevant with reference to the associated costs and benefits outlined in our impact assessment (summarised below), which is your preferred DRS option?

All-in
On-the-go
Neither
I don't know / I don't have enough information

Please state the reasons for your response. Where available, please share evidence to support your view

The purpose of the DRS is to drive up recycling (especially where traditional methods have stalled) and reduce littering by providing an incentive to the public to change their behaviour.

Given that a DRS is designed to produce both outcomes there seems no point in restricting it to smaller container sizes especially as much of the beverage packaging that is littered is of larger containers especially in certain locations at certain times of year e.g. parks in the summer. Doing so might also incentivise producers to produce bottle sizes of say 751ml to avoid the DRS.

The savings in infrastructure and operating cost from narrowing the scope of the DRS are likely to be minimal: a similar network of reverse vending machines and scheme administration is likely to be required for an "on the go" model or an "all in" model.

An "all in" scheme will therefore maximise the reduction in litter and improvement in recycling performance.

If successful the DRS approach could easily be extended to other packaging and products that cause large environmental and practical problems. Aerosol cans, batteries and fast food packaging such as pizza and burger boxes are good examples.

Finally, while a DRS may reduce the amount of certain types of waste that is littered, it remains to be seen whether this has a commensurate

impact on the costs to local authorities of keeping the streets clean. Busy London thoroughfares attract litter of all kinds, and are likely to still need to be swept frequently, even in the presence of a highly effective DRS on beverage containers. Authorities also have concerns that a DRS could lead to a rise in street litter in some areas if it incentivises “bin diving” with the result that waste is scattered from litter bins and even household and commercial recycling containers, as people search for deposit bearing items.

Summary of approach to Impact Assessment

71. Do you agree with our impact assessment?

Yes
No
I neither agree nor disagree
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

The Authority does not have the necessary information available to challenge the assumptions.

72. Do you think more data is needed? If yes, please state where.

Yes
No
Neither
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

The Authority does not have the necessary information available to challenge the assumptions.

73. Are there other costs and benefits which we have not covered in our impact assessment?

The Authority does not have the necessary information available to challenge the assumptions.

74. Do you have further comments on our impact assessment? Please be specific.

On the assumption that the IA's figures are correct it would seem to show that both result in an overall economic benefit but with a strong financial justification for the "all-in" rather than an "on-the-go" DRS model.

75. The dual objectives of a DRS are to reduce litter and increase recycling. Do you wish to suggest an alternative model that would be more effective at achieving these objectives? If so please briefly describe it, making reference to any available evidence

No.

76. A potential option for introducing a DRS could be to start with the 'on-the-go' model, and then expand/phase roll-out to 'all-in'. Do you think this would be an effective way to introduce a DRS?

Yes
No
I neither agree nor disagree
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view

The all-in model will be experienced by a much larger number of consumers on a regular rather than occasional basis. Consequently, as well as significantly increasing recycling performance it will drive the everyday behaviour change that the DRS is designed to achieve.

Outcomes of what we are hoping to achieve

77. Do you think a DRS would help us to achieve these outcomes? Please briefly state the reasons for your response. Where possible, please share evidence to support your view:

a. Reduction in litter and litter disamenity (include expected % decrease where possible)

Yes
No
Neither
I don't know / I don't have enough information

It is difficult to see how it could do otherwise. However, what real street cleansing savings (other than reduced residual waste disposal costs) it will bring for local authorities is hard to quantify. There will certainly be more of an incentive for people to take their litter with them and pick up other peoples.

b. More recycling of drinks containers in scope of a DRS, especially those disposed of 'on-the-go'

Yes
No
Neither
I don't know / I don't have enough information

Yes. A real financial incentive to recycle will remove material from the residual waste stream and increase the amount recycled.

c. Higher quality recycling

Yes
No
Neither
I don't know / I don't have enough information

As the material is source separated, and only targeted products are accepted and paid for, contamination should be low.

d. Greater domestic reprocessing capacity through providing a stable and high-quality supply of recyclable waste materials

Yes
No
I don't know / I don't have enough information

The recycled material will ultimately go to the point of production and as this may be abroad so might the reprocessing capacity.

78. Do you think a DRS, as set out in this consultation, is necessary in helping us achieve the outcomes outlined above?

Yes
No
I neither agree nor disagree
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

The DRS and a reformed EPRS gives the UK an opportunity to make a step-change in its recycling performance and begin to fully embrace the Circular Economy.

Alternative approaches

79. Do you think the outcomes of what we are hoping to achieve could be reached through an alternative approach?

Yes
No

I neither agree nor disagree
Other (please state)
I don't know / I don't have enough information

Please explain your answer, providing evidence where available.

No other system is likely to drive the same levels of behaviour change as quickly.

80. Do you think an alternative approach would be a better way of achieving the outcomes?

Yes
No
I neither agree nor disagree
Other (please state)
I don't know / I don't have enough information

Please explain your answer, providing evidence where available.

Please see answer to Question 79.

Statutory local authority recycling targets in Wales

81. Are there particular local authority considerations that should be taken into account when considering whether to implement either an "all-in" or "on-the-go" model?

Not applicable to this Authority.

82. Are there specific considerations associated with your local authority that DRS policy makers should consider?

(Specific examples and any cost estimates, where applicable, would add value to this response).

No.

83. What benefits and/or disadvantages can a DRS provide to your local authority?

Specific examples and any cost estimates, where applicable, would add value to this response).

Are there any specific considerations associated with local authorities that collect waste from designated DRS return points that we should consider?
(Specific examples and any cost estimates, where applicable, would add value to this response).

The Authority believes that a DRS will reduce costs to its constituent councils by removing material from the residual waste stream in particular. Across waste collection and disposal authorities it will result in a net saving and not involve authorities having to be compensated for costs incurred.

Design of drinks containers

84. How should a DRS drive better design of packaging? Please select all that apply:

a. Varying producer fees that reflect the environmental cost of the products that producers are placing on the market
b. An additional producer fee for producers using unnecessary and/or difficult to recycle packaging
c. Other (please specify)
d. None of the above

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Any other factors that the DMO identifies to help meets it targets and the overall objectives of the DRS.

85. Who should be involved in informing and advising on the environmental cost of products? Select all that apply

a. Government
b. Reprocessors
c. Producers
d. Local Authorities
e. Waste management companies
f. Other (please specify)

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

This should be carried out independently, using Life Cycle Analysis, by the Environment Agency but funded by the DMO.

DRS and other waste legislation

86. Do you agree or disagree with our assessment of other waste legislation that may need to be reviewed and amended?

Agree
Disagree
Neither agree not disagree
I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

87. Do you have evidence to suggest that we might need to revise any other waste-related regulations as part of introducing a DRS? Please specify.

No evidence.

Further comments

In addition to this consultation, we are also carrying out social research with the public and other analytical research to support our evidence base for decision making.

88. Is there anything else we should be considering related to drinks container recycling and litter reduction which has not been covered by other questions?

No.

Consultation on consistency in household and business recycling collections in England

About you

1. What is your name? Mark Broxup

2. What is your email address? mark@wrwa.gov.uk

This is optional, but if you enter your email address then you will be able to return to edit your consultation at any time until you submit it. You will also receive an acknowledgement email when you complete the consultation.

3. Which best describes you?

Please tick only one option. If multiple categories apply to you please choose the one which **best describes you** and which you are representing in your response. (Required)

- ☐ Local Authority
- ☐ Waste management company
- ☐ Business representative organisation/trade body
- ☐ Product designer
- ☐ Manufacturer
- ☐ Distributor
- ☐ Retailer
- ☐ Reprocessor
- ☐ Community group
- ☐ Charity or social enterprise
- ☐ Independent consultancy
- ☐ Academic or researcher
- ☐ Individual
- ☐ Other (please provide details …)

4. If you are responding on behalf of an organisation, what is its name?

Western Riverside Waste Authority

5. Would you like your response to be confidential?

Yes / No

If you answered 'Yes' above, please give your reason:

Please note: as the Consultation document has two "Question 5s" so does this response.

Part 1 Measures to improve the quantity and quality of household recycling collected by local authorities

Consultation questions on dry recycling

Proposal 1

Q5 Setting aside the details of *how* it would be achieved, do you agree or disagree with the proposal that local authorities should be required to collect a set of core materials for recycling?

- ☐ Agree – local authorities **should** be required, to collect a core set of materials
- ☐ Disagree – local authorities **should not** be required, to collect a core set of materials
- ☐ Not sure/don't have an opinion

Yes, local authorities should be required to collect a core set of materials provided that there are reprocessing facilities available for these materials (notably for pots, tubs and trays) and that the cost of collecting them is covered by the producers of the materials as proposed in the Extended Producer Responsibility Consultation.

There may also need to be allowances in implementation to allow for existing contractual commitments unless Government agrees to cover any contractual penalties.

Q6 We think it should be possible for all local authorities to collect the core set of materials. Do you agree with this?

- ☐ Agree
- ☐ Disagree – If you disagree please provide further information and evidence as to what circumstances it is not practicable to collect the full set of materials

Yes

Q7 What special considerations or challenges might local authorities face in implementing this requirement for existing flats and houses in multiple occupancy?

The constituent councils of this Authority collect recycling material from flats within large Victorian/Edwardian houses converted into multiple flats that are located in densely populated and congested areas of central London. Space is the biggest challenge as many of these large houses were designed for single occupancy use and have little external storage space to house waste containers. Many of these types of properties have no ground level storage and waste is stored in old coal cellars converted for waste storage which makes collecting waste and recycling challenging. This is achieved by providing a comingled collection using sacks. Separated collections from these types of properties would be impracticable.

The constituent councils also operate a comingled communal bulk bin collection from a high number of estates where the quality of material collected is poor due

to the high levels of contamination.

Q8 What other special considerations should be given to how this proposal could apply to flats? Please provide additional information on your answer.

The high levels of contamination in the recycling material collected on Estates (purpose built flats) is a London-wide problem and the only guaranteed way to improve the quality would be to monitor the containers 24 hours a day but the cost of implementing such a system would be very high. Many attempted solutions have been tried in the form of trials across London to try and improve the quality and quantity of recycling materials collected from estates but with little success. Door to door collections in high-rise blocks has not been sanctioned by the London Fire Brigade due to the potential hazard of boxes or bags blocking fire exit routes.

Localised DRS could be deployed on Estates to encourage residents to recycle that could be funded by EPR. Many of the large Estates in London/Urban areas are in deprived locations and having access to a DRS could encourage recycling to gain an instant financial benefit and could create local employment through the operation of a local DRS.

Q9 Do you have any other comments to make about Proposal 1? Please use this space to briefly explain your responses to questions above, e.g. why you agree/disagree with proposals.

Requiring local authorities to collect a core set of materials would enable a national "consistent" communications message that could be promoted using national media.

Proposal 2

Q10 Do you believe that all of these core materials should be included or any excluded?

	This should be **included** in the core set	This should be **excluded** from the core set	Not sure/don't have an opinion/not applicable
Glass bottles and containers	☐	☐	☐
Paper and card	☐	☐	☐
Plastic bottles	☐	☐	☐
Plastic pots tubs and trays	☐	☐	☐
Steel and aluminium tins and cans	☐	☐	☐

Q11 What, if any, other products or materials do you believe should be included in the core set that all local authorities will be required to collect?

	This should be **included** in the core set from the start of Consistency	This should be **included** from the core set but phased in over time	This should be **excluded** from the core set	Not sure/don't have an opinion/not applicable
Food and drinks cartons	☐	☐	☐	☐
Plastic bags and film	☐	☐	☐	☐
Other materials (please specify)				

Q12 If you think any of these or other items should or should not be included in the core set immediately please use the box below to briefly explain your view.

No other materials should be included in the core set until long term outlets/processing facilities are available. This particularly applies to food and drink cartons. Local authorities that operate automated co-mingled or twin-stream recycling schemes should not be required to collect plastic bags and film because of how they impact negatively on the sorting machinery.

Q13 If you think these or other items should be considered for inclusion at a later stage, what changes would be needed to support their inclusion?

This Authority currently accepts food and drinks cartons in with its comingled material. Most of these cartons are made of composite materials and it is difficult to pass these for recycling due to the lack of processors. Black plastic should be phased out completely due to the difficulties with MRF equipment being able to detect what type of material it is, the creation of black plastic is an example of the designers/producers not considering the recycling process and need to consult on new product packaging designs with the MRF operators and recycling processing operators.

Q14 Do you have any other comments to make about Proposal 2?

No.

Proposal 3

Q15 Do you agree that the core set should be regularly reviewed and, provided certain conditions are met, expanded?

☐ Yes
☐ No
☐ Not sure/don't have an opinion

Q16 Do you believe that the proposed conditions a) b) c) and d) above are needed in order to add a core material?

- ☐ Yes – but I would also add some (please specify which conditions you believe should be added …)
- ☐ No – some/all should be removed (if some please specify below)
- ☐ No – some should be added and some should be removed (please specify which …)
- ☐ Not sure/don't have an opinion

The Authority agrees that the four proposed conditions are needed but ready end markets, as well as processing capacity, are also required.

.Q17 Do you have any other comments to make about Proposal 3?

No.

Consultation questions on separate food waste collection

Proposal 4

Q18 Which aspects of the proposal do you agree and disagree with?

		Agree	Disagree	Not sure/don't have an opinion/not applicable
(i)	at least a **weekly** collection of food waste	☐	☐	☐
(ii)	a **separate** collection of food waste (i.e. not mixed with garden waste)	☐	☐	☐
(iii)	services to be changed only as and when contracts allow	☐	☐	☐
(iv)	providing free caddy liners to householders for food waste collections	☐	☐	☐

The Authority believes that the need for weekly food waste collections should be a matter for local authorities to decide on grounds of their technical, economic, and environmental practicality. In areas where food waste goes for energy recovery, as part of the residual waste stream, local authorities should use lifecycle analysis to determine what the environmental and economic benefits of separate collection would be in their area.

The Authority believes the Government should be placing much more emphasis on measures higher up the waste hierarchy that will reduce food waste and produce far greater environmental and economic benefits than recovering energy

from it via AD or any other energy recovery or recycling method.

Q19 Are there circumstances where it would not be practical to provide a separate food waste collection to kerbside properties or flats.

- ☐ Yes (if yes please provided further details below)
- ☐ No
- ☐ Not sure/don't have an opinion

Where change-in-law provisions or minimum tonnage guarantees in contracts made the costs prohibitively high. Removal of food waste is likely to severely disrupt local authorities that currently use Mechanical Biological Treatment technologies. Also please see answers to Q7 and Q20.

Q20 Do you have any other comments to make about Proposal 4 including on circumstances where it may not be practical to provide a separate food waste collection?

Please refer to this Authority's response to Q7. Separately collecting food waste from properties with no ground level storage or little storage space off the public highway in urban areas would not be practical.

Retro fitting additional collection infrastructure on both low and high rise housing estates will be expensive (if at all practicable) and in this instance the costs will fall onto tenants and leaseholders.

Before this decision is taken a Life Cycle Assessment/Carbon Impact Assessment needs to be carried out to compare the other options for dealing with food waste. Waste minimisation is the first option on the Waste Hierarchy and should be considered in the first instance and a national communications campaign could assist a waste minimisation initiative. Producers and retailers need to be held accountable for encouraging consumers to overbuy food by offering special offers such as buy one get one free.

A mandatory food waste collection service should only apply to the local authorities that are still using Landfill to dispose of waste. Recent Life Cycle Analysis has revealed that there is almost no carbon benefit/environmental benefit of separately collecting food waste that is sent for AD when compared to co-collecting food waste with general waste and sending it for EfW incineration. This proposal needs to be considered thoroughly before implementing a mandatory requirement for all councils to separately collect food waste.

Detailed analysis needs to be undertaken to establish whether sufficient, suitably located, AD treatment capacity will exist by 2023 and that there is a demand for the quantity and quality of digestate that would be produced from the new AD Facilities processing municipal waste (with its potential for higher levels of contamination). If the proposed mandatory food waste collections are introduced, there may be a real possibility of over generation of a poor quality product.

There is also the potential for many more residents to use kitchen macerators which although potentially representing a significant saving for local authorities could put pressure on antiquated sewer systems and lead to increased vermin problems.

The additional costs of providing separate food waste collection and treatment

will be very high, particularly in densely populated urban areas. Government must fully fund these additional costs but, unlike EPR and DRS, it is unclear as to where Government proposes to source this additional funding from.

Proposal 5

Q21 If you are responding on behalf of a local authority, what kind of support would be helpful to support food waste collection? (tick as many as apply)

- ☐ Specific financial support (please specify)
- ☐ Procurement support, (e.g. free advice on renegotiating contracts; centralised purchasing of containers)
- ☐ Communications support, (e.g. free collateral that can be adapted and used locally)
- ☐ Technical support, (e.g. free advice from a consultant about round re-profiling)
- ☐ Other (please specify …)

All of the above. Plus see the answer to Question 22 below.

A legal requirement on local authorities to separately collect food waste will be a major new financial burden that central government will need to need to fund. The Authority believes that the £20m costs assigned to this initiative in the impact assessment could represent a severe underestimate. Any change-in-law contractual impacts for local authorities will also need to be fully funded.

Q22 Do you have any other comments to make about Proposal 5?

In many cases additional collection vehicles will need to be purchased. Transfer Stations and vehicles/containers transferring separated food waste to AD plants will need to be adapted/constructed and/or land purchased to facilitate.

The system should have mechanisms to deal with special costs such as those associated with change-in-law provisions and minimum tonnage clauses within existing contracts.

Proposal 6

Q23 What are your views on this proposal?

This proposal, requiring that food and garden waste are collected separately to then mix back together to supply to In Vessel Composting (IVC) Facilities is likely to be perceived badly by the public who will find out both streams are combined after collection and will resent having to use multiple bins and containers.

Consultation questions on collecting garden waste

Proposal 7

Q24 Which aspects of the proposal do you agree or disagree with?

	Agree	Disagree	Not sure/don't have an opinion/not applicable

(i)	a free garden waste collection for all households with gardens	☐	☐	☐
(ii)	A capacity to 240l (bin or other container eg sack)	☐	☐	☐
(iii)	A fortnightly collection frequency (available at least through the growing season)	☐	☐	☐
(iv)	ability to charge households for additional capacity/collections/containers over the set minimum capacity requirement	☐	☐	☐
(v)	this new requirement to start from 2023 (subject to funding and waste contracts)	☐	☐	☐

Q25 Do you have any other comments to make about Proposal 7?

This proposal highlights one of the problems with weight-based recycling targets where acquisition of tonnage outweighs environmental benefit. The Authority does not believe that reducing garden waste in the residual waste stream is best achieved by offering free garden collections. Garden waste, in the first instance, should be composted at home or in a community scheme for maximum environmental benefit. The mandatory collection of garden waste may also increase the amount of waste currently being placed out for collection as those householders that are currently composting at home may decide to use the free collection service thus increasing the overall generation of waste.

The decision to collect garden waste plus the frequency and bin sizes should be a local decision. The polluter pay principle should be applied to those householders with gardens. Introducing a mandatory free service will not be an equitable system as those householders without gardens will be subsiding those with them.

Consultation questions on separate collection to improve quality

Proposal 8

Q26 Do you agree the proposed approach to arrangements for separate collection of dry materials for recycling to ensure quality?

- ☐ Yes
- ☐ No (why …?)
- ☐ Not sure/no opinion/not applicable

Quality requirements should be determined by the market. The market will determine if MRFs can or cannot separate co-mingled recyclables to an adequate level.

The MRF used by the Authority consistently sells materials at prices in excess of those reported in trade journals. This would indicate that excellent quality outputs can be achieved from an efficient well run MRF. This is not an area for legislation.

Separate collection in dense urban areas is simply not a practicable option due to lack of space and participation and capture rates could plummet if such a requirement were to be imposed.

Q27 What circumstances may prevent separate collection of paper, card, glass, metals and plastics? Please be as specific as possible and provide evidence.

Please refer to the Authority's response to question 7 that highlights the lack of space to store within properties and external storage space in urban areas.

Q28 Do you have any other comments to make about Proposal 8?

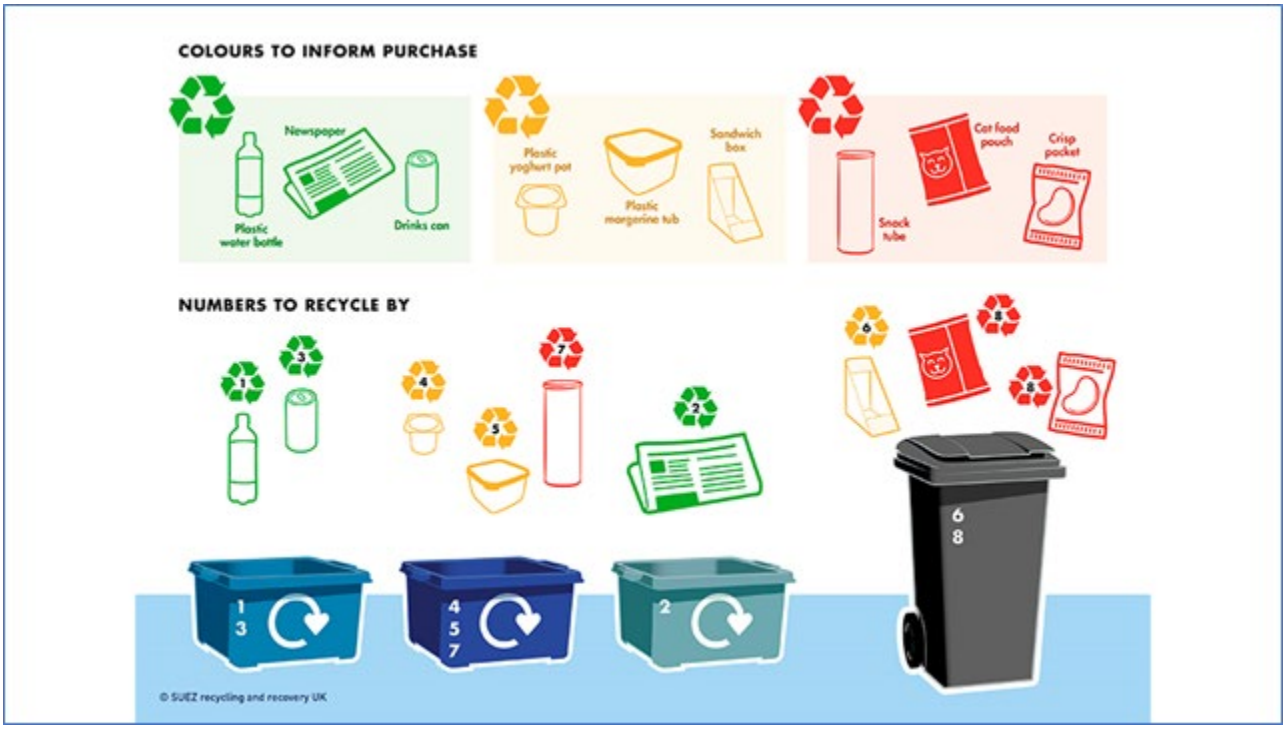
Comingled collection schemes have been designed for the ease of the user and to overcome storage space issues. The Authority has seen significantly increased participation and capture rates as a consequence. Collecting comingled materials makes collecting more efficient as there is no sorting required at source which reduces traffic congestion and improves air quality.

Proposal 9

Q29 Do you agree or disagree with this proposal?

- ☐ Agree – bin colours **should** be standardised for all waste streams
- ☐ Agree in part – bin colours should be standardised for some waste streams but not all (specify which …)
- ☐ Disagree – bin colours **should not** be standardised for any waste streams
- ☐ Not sure/no opinion/not applicable

The Authority disagrees because it does not believe that this is the optimum solution to the problem. The Authority believes that a system based around that proposed by Suez (see pictorial overleaf) would be more practicable and successful.



"Under this system, each product category (as determined by the availability of an appropriate recycling system – like aluminium, plastic bottles, card, or glass) is also then assigned a permanent number, correlating with the same number placed on bins and recycling containers across the country. Businesses and councils would simply label their existing waste containers with the relevant numbers, depending on what can be recycled locally, rather than trying to "harmonise" hundreds of different systems by introducing new containers and infrastructure – a proposition many local authorities oppose."

Full details can be found at:

https://www.suez.co.uk/en-gb/news/press-releases/181009-recycle-by-numbers-system-could-provide-solution-for-confused-consumers

Q30 There would be potential for significant costs from introducing standardised bins colours from a specific date. What views do you have on a phased approach or alternative ways to standardising the colours of containers for different materials?

- ☐ Phased approach 1 – as and when waste contracts are renewed
- ☐ Phased approach 2 – as and when old/unserviceable bins are replaced
- ☐ Other ways please specify…

The Authority does not believe this is necessary. See answer to Question 29 above.

Q31 Do you have any other comments to make about Proposal 9?

No.

Consultation questions on service standards

Proposal 10

Q32 Do you agree or disagree with the proposal to publish statutory guidance?

- ☐ Agree – government **should** publish statutory guidance
- ☐ Disagree – government **should not** publish statutory guidance
- ☐ Not sure/no opinion/not applicable

Local authorities are best placed to decide what type and frequency of collection arrangements best suit their area, not central Government or packaging producers, brands or retailers. Residents can then express their satisfaction with the arrangements in their area at local elections.

There has also been a concern raised by some that Government may use this statutory guidance as a means by which to avoid payments under the new burdens scheme.

Q33 We propose reviewing the guidance every few years, revising it as required and then allowing sufficient lead-in time to accommodate the changes. Do you agree or disagree with this timescale?

- ☐ Agree
- ☐ Disagree – it should be **more often**
- ☐ Disagree – it should be **less often**
- ☐ Not sure/no opinion/not applicable

How often is “every few years”?

Q34 Subject to further analysis and consultation we propose to use the guidance to set a minimum service standard for residual waste collection of at least every alternative week Do you agree or disagree with this proposal?

- ☐ Agree
- ☐ Disagree – it should be **more often**
- ☐ Disagree – it should be **less often**
- ☐ Not sure/no opinion/not applicable

Local authorities are best placed to decide what type and frequency of collection arrangements best suit their area, not central Government or packaging producers, brands or retailers. Residents can then express their satisfaction with the arrangements in their area at local elections.

There has also been a concern raised by some that Government may use this statutory guidance as a means by which to avoid payments under the new burdens scheme.

Q35 Do you have any other comments to make about Proposal 10?

No.

Consultation questions on communicating about recycling

Proposal 11

We will continue our support for Recycle Now and the tools produced by WRAP to help local authorities to communicate effectively on recycling.

Q36 Do you have any comments to make about Proposal 11?

The Authority questions how effective Recycle Now and WRAP communications have been with more diverse and harder to reach communities. The Authority believes that producers, brands and retailers will be far more effective at communicating with the public as consumers particularly as the new EPRS and DRS will place the responsibility for meeting recycling targets on producers. If producers value WRAP's work in this area let them provide the funding rather than Government.

Q37 What information do householders and members of the public need to help them recycle better?

Please see the answer to Question 29. A simple and consistent system similar to that proposed by SUEZ. would be cost effective and easily supported by national advertising campaigns.

However, Government also need to do more on waste minimisation and awareness on the subject of overconsumption.

Proposal 12

Q38 Do you agree or disagree with this proposal?

- ☐ Agree – government **should** work with local authorities and other stakeholders on this
- ☐ Disagree – government **should not** work with local authorities and other stakeholders on this
- ☐ Not sure/no opinion/not applicable

Local Authorities should be involved in this process but the emphasis should now be on producers/retailers and the Extended Producer Management and Deposit Management Organisations to provide this level of transparency.

WasteDataFlow is a perfect example of how NOT to present this information effectively.

Q39 Do you have any other comments to make about Proposal 12?

No.

Consultation questions on end markets

Proposal 13

Q40 Please use this space to briefly explain any comments you have on the issues discussed in this section.

The EPR and DRS will move market risk from local authorities to producers. However producers are better able to influence those markets through their purchasing power and standardisation of packaging materials, i.e. operating in a circular as opposed to a linear economy. Also exposure to the commodity markets will act as a natural hedge against material prices for producers i.e. low commodity prices equals low packaging prices.

Consultation questions on non-binding performance indicators

Proposal 14

We propose developing a set of non-binding performance indicators for local authorities to use to monitor waste management and recycling and to highlight where services can be improved to delivery higher recycling and minimise waste. In addition to the headline household recycling rate for the local authority we would propose 4 additional indicators covering the yields of dry recycling, food waste for recycling, garden waste for recycling, and residual waste. We would also work with local authorities to develop these and other indicators to reflect areas such as quality or contamination levels and service delivery.

Q41 Do you agree or disagree that introducing non-binding performance indicators for waste management and recycling is a good idea?

- ☐ Agree
- ☐ Disagree (why …?)
- ☐ Not sure/no opinion/not applicable

The Authority is unconvinced as what value the proposed non-binding indicators will produce. Local authorities can only work with the types and volumes waste they collect and that is determined by wider economic factors. For example, in recent years economic recession, new technology (e.g. replacing newspapers) and the light weighting of packaging have all reduced total waste arisings. These factors are environmentally beneficial but have also reduced local authorities ability to meet weight based recycling targets.

The welcome proposal that the responsibility for meeting packaging recycling targets be placed on producers through EPR and DRS means that performance monitoring should also be at that level in future and not segregated on geographical or political boundaries.

Q42 Do you agree or disagree that the proposed indicators are appropriate?

- ☐ Agree
- ☐ Disagree (please expand …)
- ☐ Not sure/no opinion/not applicable

Placing the emphasis on tonnage-based recycling targets ignores the benefits of waste reduction and reuse and makes a materials' density, not its potential for environmental harm, the key driver.

Tonnage arisings per capita or per household by waste type might provide better comparators.

Q43 Do you have any comments to make about Proposal 14 or examples of indicators currently in use that may be of assistance?

New indicators, based on the potential for environmental harm and life cycle analysis are required. More emphasis should be placed on improvement rather than achievement and the overall impact of the whole waste management system considered. For example a focus purely on high recycling levels ignores that this may be as a consequence of higher waste arisings and ignores the impact of residual waste continuing to go to landfill.

If there were to be a new carbon metric for performance it ought to be an holistic approach and include everything from waste collection to disposal and the recycling treatment of exported recyclables.

Consultation questions on alternatives to weight-based metrics

Proposal 15

We will look at metrics that can sit alongside weight-based metrics and will work with stakeholders to develop these as set out in the Resources and Waste Strategy.

Q44 Do you agree that alternatives to weight-based metrics should be developed to understand recycling performance?

- ☐ Agree
- ☐ Disagree (why …?)
- ☐ Not sure/no opinion/not applicable

Q45 Do you agree that these alternatives should sit alongside current weight-based metrics

- ☐ Agree
- ☐ Disagree (why …?)
- ☐ Not sure/no opinion/not applicable

In terms of Financial Cost, tonnage is and will remain the primary measure. Other metrics that better measure environmental cost will still need to be balanced against cost. Often this analysis will show that the level of environmental gain does not warrant the financial cost i.e. the same money spent elsewhere (potentially on a non-waste related activity) might produce a greater environmental gain.

Q46 What environmental, economic or social metrics should we consider developing as alternatives to weight-based metrics?

As greenhouse gas emissions are still a major concern, a carbon metric is an obvious contender. However, air quality and NOx emissions, from vehicles are another concern. Increased vehicle movements and congestion caused by increased waste collection activities may therefore become a concern, particularly in urban areas.

Consultation questions on joint working

Proposal 16

We want to support and enable greater collaboration and partnership working between authorities where this would accelerate the move to consistent collections and improve recycling and delivery of services.

Q47 In what way could greater partnership working between authorities will lead to improved **waste management and higher levels of recycling**?

- ☐ Agree
- ☐ Disagree (why …?)
- ☐ Not sure/no opinion/not applicable

Q48 What are the key barriers to greater partnership working?

Local political differences, retaining sovereignty over services, coordinating contract renewals, different collection methodology.

Q49 How might government help overcome these barriers?

The EPR and DRS proposals will lead to producers becoming directly responsible for a significant element of the waste stream. These and other circular economy initiatives may lead to waste being managed very differently and the current barriers may naturally lessen in the future.

Q50 Do you have any other comments to make about Proposal 16?

The Statutory Joint Waste Disposal Authorities (SJWDAs) pass their costs directly to their constituent councils so the overall waste collection and treatment costs, that form part of council tax bills, are fully transparent. In the shire counties, where the district councils and the county councils both charge residents separately for the services they provide, overall waste management costs can be less transparent, a situation further complicated by the application of recycling credits (which do not apply to the SJWDAs). In the context of the consultations on DRS and PPRS, it is entirely possible that residual waste savings by a county council might well outweigh any recycling income lost by its district councils but a district council taking a parochial view might be opposed to the proposals for a DRS and a PPRS even though overall they might benefit its residents.

Part 2 Measures to improve recycling by businesses and other organisations that produce municipal waste

Consultation questions on measures to increase recycling from business and other organisations that produce municipal waste

Proposal 17

Q51 Do you agree or disagree that businesses, public bodies and other organisations that produce municipal waste should be required to separate dry recyclable material from residual waste so that it can be collected and recycled?

- ☐ Agree
- ☐ Disagree (why …?)
- ☐ Not sure/no opinion/not applicable

It is better that the EPRS and the DRS incentivise desired behaviour (as with the public) rather than compel. Some businesses will simply not have the space necessary to segregate waste in the manners suggested. Also the requirement will require policing and extra cost.

Q52 Which of the 3 options do you favour?

- ☐ Option 1 mixed dry recycling and separate glass recycling; no food waste collected for recycling
- ☐ Option 2 mixed dry recycling and separate food recycling; no glass recycling
- ☐ Option 3 mixed dry recycling, separate glass recycling, separate food recycling
- ☐ Something else (please expand …)
- ☐ Not sure/no opinion/not applicable

This should be something for businesses to decide. See answer to Question 51.

Q53 We would expect businesses to be able to segregate waste for recycling in all circumstances but would be interested in views on where this may not be practicable for technical, environmental or economic reasons

- ☐ Yes – it should be practicable to segregate waste for recycling in all circumstances
- ☐ No – some exceptions are needed for particular circumstances (please provide examples below)
- ☐ Not sure/no opinion/not applicable

This should be something for businesses to decide. See answer to Question 51.

Q54 Should some businesses, public sector premises or other organisations be exempt from the requirement?

- ☐ Yes (which ones and why …?)
- ☐ No
- ☐ Not sure/no opinion/not applicable

This should be something for businesses to decide. See answer to Question 51.

Q55 Do you have any other comments to make about Proposal 17? For example, do you think that there are alternatives to legislative measures that would be effective in increasing business recycling?

Commercial waste collectors should be required to record collection data on a central database.

Proposal 18

Q56 Do you agree or disagree that businesses, public bodies or other organisations that produce sufficient quantities of food waste should be required to separate it from residual waste so that it can be collected and recycled?

- ☐ Agree
- ☐ Disagree (why …?)
- ☐ Not sure/no opinion/not applicable

Please see answers to Questions 7, 20, 51 and 53.

Q57 Do you agree or disagree that there should be a minimum threshold, by weight, for businesses public bodies or other organisations to be required to separate food waste for collection?

- ☐ Agree
- ☐ Disagree (why …?)
- ☐ Not sure/no opinion/not applicable

Please see answers to Questions 7, 20, 51 and 53.

Q58 Do you have any views on how we should define ‘sufficient’ in terms of businesses producing ‘sufficient’ quantities of food waste to be deemed in scope of the regulations?

No.

Q59 Do you have any views on how we should define ‘food-producing’ businesses?

No.

Q60 In addition to those businesses that produce below a threshold amount of food waste, should any other premises be exempt from the requirement?

- ☐ Yes (which ones and why …?)
- ☐ No
- ☐ Not sure/no opinion/not applicable

Q61 Do you have any other comments to make about proposal 18?

It is essential that these measures do not simply produce an incentive for businesses to install macerators and thereby move the problem to the sewer network. ‘Fatbergs’ are a known and increasing problem in dense urban areas.

Proposal 19

If the proposals above are adopted, we would like to support businesses, public sector and other organisations to make the transition. In particular we would like to find ways to reduce the impact on small and micro businesses.

Q62 What are your views on the options proposed to reduced costs?

Businesses may look to introduce one or more of the proposals and local authorities will look to assist where they can.

Q63 Are there other ways to reduce the cost burden that we have overlooked?

Not that the Authority is aware of.

Q64 Do you have any other views on how we can support businesses and other organisations to make the transition to improved recycling arrangements?

No.

Business waste data

Proposal 20

Q65 Do you have any views on whether businesses and other organisations should be required to report data on their waste recycling performance?

- ☐ Agree
- ☐ Disagree (why …?)
- ☐ Not sure/no opinion/not applicable

More reliable data is needed in this area. More practically Government could look to require waste management firms to provide this level of data. How local authorities report the split between household and commercial waste needs to be more robust.

Q66 Do you have any other comment on Proposal 20?

No.