

Portfolio Holder Decisions/Leader Decisions

Date: Wednesday 2 June 2021
Time: 12.00 pm

Membership

Councillor Heather Timms

Items on the agenda: -

- 1. Response to two DEFRA waste consultations:** 3 - 64
Extended Producer Responsibility Deposit Return Scheme

Monica Fogarty
Chief Executive
Warwickshire County Council
Shire Hall, Warwick

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- Declare the interest if s/he has not already registered it
- Not participate in any discussion or vote
- Must leave the meeting room until the matter has been dealt with
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Non-pecuniary interests must still be declared in accordance with the Code of Conduct.

These should be declared at the commencement of the meeting

The public reports referred to are available on the Warwickshire Web

<https://democracy.warwickshire.gov.uk/uuCoverPage.aspx?bcr=1>

Public Speaking

Any member of the public who is resident or working in Warwickshire, or who is in receipt of services from the Council, may speak at the meeting for up to three minutes on any matter within the remit of the Committee. This can be in the form of a statement or a question. If you wish to speak please notify Democratic Services in writing at least two working days before the meeting. You should give your name and address and the subject upon which you wish to speak. Full details of the public speaking scheme are set out in the Council's Standing Orders.

**Proposed Decision to be taken under the Council's Urgency
Procedure by the Portfolio Holder Environment and Heritage &
Culture**

2 June 2021

**Response to two DEFRA waste consultations:
Extended Producer Responsibility
Deposit Return Scheme**

Lead Member	Councillor Heather Timms
Date of decision	2nd June 2021
	Signed

Decision

That the Portfolio Holder for Environment and Heritage & Culture:

Agrees to the submission to DEFRA of the two consultation responses attached in **Appendix A**.

Reasons for decisions

The Warwickshire Waste Partnership senior officers' group have produced a response to the two consultations through collaborative discussion. These both potentially have very favourable outcomes for waste management, the environment, and climate change, across Warwickshire.

It was agreed at the Warwickshire Waste Partnership on 17 March 2021 that the portfolio holder would agree to the submission to DEFRA of the two consultation responses on behalf of the County Council and the Warwickshire Waste Partnership. The consultation responses developed by the senior officers' group are attached in Appendix A.

1.0 Background information

1.1 The Government published the new national Resources and Waste Strategy in December 2018, outlining potential changes to the way that all waste is managed. The strategy aims to change the way resources are used from a linear model of buy, use, discard to a circular economy model, where resources are kept in economic use through comprehensive changes to the whole resource value chain. These proposed changes to increase resource use and reduce waste will have a significant impact on reducing the climate impact of the resources and waste sector. The changes apply to household waste, municipal waste and business waste.

- 1.2 The Government has introduced the Environment Bill, which is progressing through the House of Commons. This will be the primary legislation which will underpin many new environmental regulations, including a suite of new waste regulation. DEFRA consulted upon three areas of new regulation in the Spring of 2019: Extended Producer Responsibility, Deposit Return Scheme and Consistent Collections of Waste. Warwickshire Waste Partnership contributed a joint response to each of these consultations at the time. Since then, the Government have been holding regular discussions with stakeholders to develop the regulations and have issued a new round of consultations on Extended Producer Responsibility and Deposit Return Scheme.
- 1.3 The Extended Producer Responsibility proposal for packaging is an overhaul of the current producer responsibility for packaging legislation. It will ensure that the total cost of collecting, transporting, sorting and recycling / reprocessing / disposing of the packaging is covered. The regulation should provide local authorities with 'Full Net Costs' recovery for the management of packaging waste including recycling, disposal and litter collections. The proposal is for the 'Brand Owner' to pay this cost. The less packaging a product has, the lower the fee will be. The more recyclable the packaging is, the lower the fee will be. Local Authorities will be given the costs of managing packaging waste but will have to demonstrate an 'efficient and effective' waste collection and disposal.
- 1.4 The Deposit Return System proposal is for beverage containers only. At the point of purchase, a deposit will be paid on the drinks bottle. At the point of return for recycling, the deposit is redeemed. Country-wide return infrastructure will be created by way of a network of Reverse Vending Machines in shops and other municipal locations. The bar code of the product will be read and the item 'posted' into the container for onward recycling. Smaller shops will be able to offer manual returns. Online retailers will also collect returned containers. Plastic bottles and metal cans will be covered, possibly also glass bottles. Local Authorities may be able to access the deposits on items where the purchaser has foregone the deposit and decided to recycle at the kerbside, put in general waste, litter bin or litter. The main drivers for this scheme are reduced litter, improved capture for recycling and improved quality of material for recycling.
- 1.5 Senior waste officers within Warwickshire County Council as the Waste Disposal Authority and within the Waste Collection Authorities of North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council, Warwick District Council and Stratford-on-Avon District Council have spent time reviewing the consultation documents and the impact assessments:
- [Defra second consultation paper EPR](#)
[Defra second consultation paper DRS](#)
- 1.6 Officers have read and attended briefings, including from the LGA, Chartered Institute of Waste Management and LARAC (Local Authority Recycling Advisors Council). Some draft responses from LARAC and ADEPT have been considered. Senior officers from each Warwickshire authority have attended

two online group discussions on our joint response, on 4 May 2021 and 21 May 2021. As a result of this discussion and correspondence, the two sets of responses in Appendix 1 have been put forward for approval by the Portfolio Holder and chair of the Warwickshire Waste Partnership. This sign off process was agreed at the most recent meeting of the Warwickshire Waste Partnership on 17 March 2021.

1.7 The Extended Producer Responsibility response strongly supports the principals in the consultation and how the proposals incentivise resource efficiency. Moving to the producer pays principle for waste management and ensuring that local authorities get full net costs for dealing with packaging waste is fair and will contribute to both reducing waste and increasing recycling. The response states a preference for recycling labelling on packaging to be of one mandatory, unambiguous, clear style, to help householders and to increase correct recycling. The partnership officers welcome the ambition to collect plastic films but are unsure if a comprehensive collection service can be enacted by 2026/27, due to end market uncertainty. We have also highlighted issues with new compostable products that are appearing on the market and agree with mandatory take-away cup take-back. The proposed consultation response gives detailed feedback on how the return of full net costs to Local Authorities can be transparent, fair and equitable.

1.8 The Deposit Return Scheme response is supportive of the scheme and the potential for it to reduce litter, improve capture for recycling and improve quality of material for recycling. It is clear how a system to capture small drinks containers consumer 'on the go' could work well. However, officers have reservations over an 'all in' system, where any size drinks container can be returned. There is potential for this to significantly change the kerbside recycling collection service and have impacts on smaller retailers and the street scene. Moreover, there is a concern for how this might impact low-income families. We have offered feedback on a proposed digital return system, asking for assurances of how fraud would be prevented in such a system. The response offers knowledge on how Local Authorities will be able to collect data in order to retrieve funds from the handling of containers where the deposit is unclaimed and the item has passed through the kerbside or litter system.

2.0 Financial implications and Key Risks

There are no financial implications of responding to the consultations. There will be significant financial implications (both positive and negative) as we move towards the target dates set out in the consultations. There will be a requirement to carry out careful planning to implement the new strategy across all authorities and Government have stated that draft regulations will be released this financial year.

3.0 Environmental implications

There are no environmental implications of responding to the consultations.

There will be positive environmental and climate impact implications when some or all of the proposed actions in the consultations are rolled out. More will be known when the Government release draft regulations this financial year.

4.0 Timescales Associated with the Decision and Next Steps

4.1 If agreed, the consultation responses will be submitted to DEFRA ahead of the consultation response deadline of 4 June 2021.

4.2 There is also a third consultation in progress on the Government's Waste and Resources Strategy. This is about Consistency in waste collections. A further paper and consultation response will be brought forward in June for this.

4.3 The Warwickshire Waste Partnership will be kept informed as the enactment of the strategy develops and draft regulations are published.

Report Author	Andrew Pau
Assistant Director	David Ayton Hill
Lead Director	Mark Ryder
Lead Member	Councillor Heather Timms

Urgent matter?	Yes
Confidential or exempt?	No
Is the decision contrary to the budget and policy framework?	No

List of background papers

WWP EPR consultation response 2019

WWP DRS consultation response 2019

[Defra second consultation paper EPR](#)

[Defra second consultation paper DRS](#)

Members and officers consulted and informed

Portfolio Holder – Councillor Heather Timms

Corporate Board – Mark Ryder

Legal –

Finance –

Equality –

Democratic Services – Paul Williams, Helen Barnsley

Councillors –

Councillor (For consent to urgency) - Councillor Jeff Clarke

Opposition Leaders – For information

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CONSENT TO URGENT DECISION		PART 1 (to be completed by the person seeking consent)	
Proposed Decision Maker <i>(please name person or body proposing to take decision, if an officer also state title)</i>			Date for Decision
Cllr Heather Timms – portfolio holder for Environment, Climate and Culture			
Title: Response to two DEFRA resources and waste strategy consultations: 1.Extended Producer Responsibility 2.Deposit Return Scheme			
Summary of matter The Warwickshire Waste Partnership senior officers group have produced a response to the two consultations through collaborative discussion. These both potentially have very favourable outcomes for waste management, the environment, and climate change, across Warwickshire, if the regulations are enacted along the lines of the proposals. Extended Producer Responsibility for packaging will provide local authorities with full net costs for the management of municipal packaging waste – collection, sorting, recycling, treatment and disposal of all waste arising from kerbside collections, HWRCs and litter. Deposit Return Scheme for beverage containers has the potential to reduce litter, improve capture for recycling and improve quality of material for recycling.			
Proposed Decision The portfolio holder agrees to the submission to DEFRA of the two consultation responses attached in Appendix A on behalf of the County Council and the Warwickshire Waste Partnership.			
Reasons for urgency The deadline for response to the consultations falls just days after the Council meeting to decide portfolio holder positions. Cllr Timms is aware of the need for the decision.			
Would the recommended decision be contrary to the Budget and Policy Framework? <i>[please identify relevant plan/budget provision]</i>			
No			
PART 2 (to be completed by the person giving consent)			
Name	Councillor:		
Office Held			
Date consent is given			

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DRS Consultation – Warwickshire Waste Partnership final draft, 26 May 2021

- Q1 Name
Warwickshire Waste Partnership
- Q2 Email address
waste@warwickshire.gov.uk
- Q3 Organisation type
Local Authority
- Q4 Organisation Detail
This consultation response is submitted on behalf of the Warwickshire Waste Partnership and should be read as equal to six responses from: North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council, Stratford District Council, Warwick District Council, Warwickshire County Council.
- Q5 Would you like your response to be confidential?
No

A deposit return scheme in a post Covid context

- Q6 Given the context of the Covid-19 pandemic we are currently experiencing; do you support or oppose our proposals to implement a deposit return scheme for drinks containers in 2024? (P16)
- a.) Support**
 - b.) Neither support nor oppose*
 - c.) Oppose*
 - d.) Not sure*

Assuming that Government go ahead with a countrywide DRS scheme, we would like to see it rolled out as soon as is feasible to sit alongside the collection consistency and Extended Producer Responsibility policy changes starting in 2023. Assumptions made, and responses given in the 2019 consultations, will naturally have altered now, since the pandemic. Householder shopping and working habits have greatly changed and behaviours may change long term after social distancing is eased. Greater home delivery of groceries and other shopping is likely to continue. Therefore, fewer householders will make regular visits to supermarkets and civic centres and the RVM model for DRS is less applicable, especially if the 'All in' model is adopted. New modelling is needed to assess this change in consumer habits, triggered to move faster due to Covid. Many businesses, especially SMEs are under greater pressure than before and placing additional burdens of a DRS before the economy has settled must be taken into account. The outcome of digital kerbside trials; feedback from the EPR and consistent collections consultations and further work around householder behaviour post Covid must feed into the scheme design.

Q7 Do you believe the introduction of a deposit return scheme will have an impact on your everyday life? (P16)

a.) Yes, a detrimental impact

b.) No, there will be no impact.

If you answered yes the scheme would have a detrimental impact, how significant would this impact be?

a.) No significant impact

b.) Some impact but manageable

c.) Large impact but still manageable

d.) Large impact and impossible to comply with

Warwickshire Waste Partnership believes that local authorities will be on the receiving end of many of the enquiries about DRS when it is rolled out, especially regarding any Reverse Vending Machines that are sited in public spaces (as opposed to in commercial buildings). We will have to provide extra customer service support to cope with this.

Many residents, especially in flats, apartments and houses of multiple occupancy have very limited storage within the dwellings to separate and store multiple waste streams for recycling. Adding an additional waste stream which needs to be transferred to a collection point may cause problems for households where space is limited and they may complain to the council. If residents have limited storage, they may choose to place beverage containers in the kerbside recycling and then ask the council for this money back. Or their purchasing habits will change to choose products which do not have a deposit and therefore most likely to be harder to recycle, reducing the council's recycling performance.

If residents are generally making fewer journeys to stores post Covid-19, journeys may be made solely to redeem deposits which may adversely impact local air quality and increase carbon emissions. The councils of Warwickshire Waste Partnership are seeking to improve air quality and reduce local carbon emissions, and this will undermine these efforts. If people are making fewer journeys, the need to redeem a deposit could also be discriminatory against social groups which may rely on a regular deposit return for cash flow or have limited space for storage and need to make additional journeys to redeem the deposit or free up storage space.

Q8 Have your views towards implementation of a deposit return scheme been affected following the economic and social impacts of the Covid-19 pandemic? (P17)

a) Yes – because of economic impacts

b) Yes – because of social impacts

c) Yes – because of both economic and social impacts

d) No

e) Not sure

Kerbside recycling services across the UK have continued throughout the pandemic whereas the deliverability of a DRS over the past 12 months would have failed and moreover supply chains dependent on material flows would have been significantly disrupted.

Scope

Q9 Do you agree that the cap should be included as part of the deposit item in a deposit return scheme for: (P19)

a) Plastic bottle caps on plastic bottles – yes/**no**

b) Aluminium bottle caps on glass bottles – yes/**no**

c) Corks in glass bottles – yes/**no**

d) Foil on the top of a can / bottle or used to preserve some drinks – yes/**no**

*Caps which can easily be secured back on the packaging could be included as there is potential for this material to also be recycled and reduce the litter risk. So including the lid in any case should be allowed and encouraged via improved packaging design and national communications to prevent litter, but it should not be required.

To make it easier for the consumer, the systems should enable containers to be taken back with the cap on or off and the deposit to be paid regardless of whether a cap is present or not. The collections and sorting systems supporting RVMs must be capable of dealing with caps and lids. Further clarification is needed on how this could be managed at RVMs or digital solutions if redeeming the deposit is reliant on the lid being present.

Communications could be designed to tell householders not to include corks, to help reduce non-target materials. But as with kerbside systems now, sorting systems need to be able to cope with realistic levels of non-target items, as consumers do not always follow guidance.

Q10 Do you believe we have identified the correct pros and cons for the all-in and on-the-go schemes described above? (P26)

a.) Yes Please elaborate on your answer

b.) No Please elaborate on your answer

The DRS proposed requires extensive investment and will only result in good value for money in terms of gain in total recycling, recycling quality and reduced littering if designed well.

Warwickshire Waste Partnership is less convinced by the benefits of an 'all in' model than by the 'on the go' concept. We believe that a very comprehensive and universal recycling kerbside service led by the collection consistency policy, alongside much improved packaging labelling enforced by the EPR policy, will lead to large improvements in both the quantity and quality of household packaging material presented at the kerbside. Demand for recycled content, including plastic through the plastic tax policy, will lead to improvements in MRF technology, further enhancing quality. Consumers should not be in any way confused if there is clear and unambiguous labelling for in-scope containers, alongside a national promotional campaign. An 'on the go' solution will be cheaper and quicker to implement in terms of RVM infrastructure and will have less impact on established kerbside collections.

Areas where we do not think enough consideration has been given are:

The impact of Covid-19 and change in behaviours long term.

Impact of an 'all in' system on small shops with little storage space operating a manual return system.

The impact on families on low income of the cost of the initial shop the first week or month that an 'all in' DRS is introduced and further impacts if they are not able to frequently redeem deposits. The unintended consequence of increased littering where some people may leave items in easily accessible and visible locations, enabling others to collect and redeem the deposit. There could be an increase in 'bin diving' where bins are partially emptied in search of redeemable containers, which again can lead to littering.

Other items, such as takeaway cups, food packaging and plastic films are also commonly littered. These items will need to be cleared and the impact on authorities of reduced litter does not

directly correlate with a reduction in cost, as crew have to make the same number of journeys and cover the same area to collect the litter.

There is no information about whether, when a network of external RVMs is installed, the risk of anti-social behaviour (theft, vandalism and littering due to broken RVMs etc) is increased. It is unclear if this has been included in the running costs of the scheme and associated remedial work and the complaints local authorities would have to deal with associated to this.

The potential for schemes to be different across nations and varying costs of deposits, such as multipacks, could be confusing for residents. Whilst the DMO will have responsibility for communications, local authorities will inevitably receive direct liaison from residents for complaints and queries, which will be an additional burden.

Q11 Do you foresee any issues if the final scope of a deposit return scheme in England and Northern Ireland does not match the all-in decision taken in Wales? E.g. an on-the-go scheme in England and an all-in scheme in Wales. (P26)

a) Yes

b) No

This would add another layer of complexity to managing the system if there is a mix of 'on the go' and 'all in' systems. Communications could be challenging and could lead to confusion especially for areas where there is regular movement across borders. The system could be less efficient and could lead to additional costs as multiple systems are managed. These issues could also apply between Scotland and England where schemes could also be different.

Q12 Having read the rationale for either an all-in or on-the-go scheme, which do you consider to be the best option for our deposit return scheme? (P27)

a) All-in

b) on-the-go

Please elaborate on your answer.

A DRS should be part of an integrated system of resource and waste management that does not compete with existing recycling services which have proven to be highly successful in delivering significant increases in recycling. Recycling rates for some materials within scope of the proposed DRS, such as metal and glass, are already high. Warwickshire Waste Partnership therefore believes there is likely to be little net overall gain in the capture of glass through inclusion in a DRS.

One of the key objectives for the scheme is to reduce littering. An 'on the go' scheme will contribute to this whereas an 'all in' scheme is likely to have less benefit, as the items will be more commonly consumed at home and therefore the potential for it to be littered very low.

We are concerned that an 'all-in' scheme would change the public's perception of recycling. People may prioritise recycling DRS material as there is a financial incentive and think that, because other materials do not have this incentive, recycling those materials is less important.

Warwickshire Waste Partnership considers an 'on the go' scheme is a fairer system for residents where there is a greater choice in whether to pay a deposit, by giving the option to use reusable items from home. An 'all in' system will also include more frequently purchased items where the deposit is therefore much harder to avoid, having a greater impact on those on lower incomes.

Q13 Given the impact Covid-19 has had on the economy, on businesses and consumers, and on everyday life, do you believe an on-the-go scheme would be less disruptive to consumers? (P27)

a) Yes

b) No

*An 'on the go' DRS would be less disruptive, on the grounds it would have fewer materials and therefore less tonnage in scope. The footprint of an 'on the go' DRS would be smaller, the installation and ongoing costs would be lower, and the logistics of managing closed loop systems would be smaller.

Warwickshire Waste Partnership believe consumers have greater opportunity to choose to avoid paying the deposit by changing behaviours with an 'on the go' scheme. An 'all-in' system reduces this potential and could be more disruptive to those especially on lower incomes, who, given the impact of COVID-19, could be struggling more.

It is probable that people will continue to make more online purchases than they did pre Covid-19, with fewer trips to retailers. Also more people are likely to be working from home. at least some of the time. This may therefore require an additional journey specifically to redeem deposits.

An 'all in' system will require residents to separately store this material until a visit to a return point or potentially require an additional journey. 'On the go' is likely to be less disruptive, as there is potentially greater opportunity to return the item before returning home.

Q14 Do you agree with our proposed definition of an on-the-go scheme (restricting the drinks containers in-scope to less than 750ml in size and excluding multipack containers)? (P27)

a.) Yes

b.) No - If no, how would you change the definition of an on-the-go scheme?

Warwickshire Waste Partnership believes that the size should be altered to less than 700ml, as this would make sure that spirit bottles of 70cl capacity would be excluded. This would ensure that the majority of glass containers would be outside of scope and would alleviate a lot of the health and safety concerns over broken glass and noise at deposit points. It would also make sure that most 'on the go' type plastic and metal containers were still within scope.

Warwickshire Waste Partnership thinks that multipack containers should be in the 'on the go' scope, as these items are regularly consumed away from the home and littered. It is also a clearer message for residents that all cans and individual-drink plastic bottles are covered under the scheme.

Q15 Do you agree that the size of containers suggested to be included under an on-the-go scheme are more commonly consumed out of the home than in it? (P27)

a) Yes

b) No

c) Difficult to say

*Research would be needed to analyse people's behaviours to show if this is more commonly the case. The size of containers proposed for 'on the go' are items which are regularly littered, although larger plastic bottles are also littered.

Materials

Q16 Please provide any information on the capability of reverse vending machines to compact glass? (P29)

Warwickshire Waste Partnership does not have knowledge of the suitability of RVMs to compact glass. There are concerns about how intact the glass will remain and if it is broken too much this may preclude it then being used for remelt and may cause quality issues for other materials placed in a RVM.

Q17 Do you agree that the scope of a deposit return scheme should be based on container material rather than product? (P31)

a. Yes

b. No

*The DRS scheme should align with EPR and consistent collections policies to be clear which products are covered under each respective programme. If the consistent collections requirements and EPR are based on products rather than material type, there could be confusion and duplication. The system needs to be easy to use, if consumers have a poor understanding of materials in scope and regularly have products rejected, this could lead to low engagement with the scheme and increased complaints to local authorities.

In general, local authority recycling information details the types of products that can be recycled without referring to polymer resin codes, as these can be confusing and misleading. If the DRS in-scope items are to be determined by the material rather than the product, this could be confusing to residents and would rely heavily on clear labelling and the vast majority of consumers being able to understand the label, including those where English is not their first language. A poor understanding of what materials are in scope could potentially lead to an unintended consequence of out of scope containers being returned and rejected at RVMs or return points which may then be littered rather than returned to the home for correct disposal/recycling.

There is a greater incentive provided to producers to use different materials in the product to avoid the DRS charges. The alternatives, for example greater use of cartons, cups, pouches or bioplastics may not be recyclable through kerbside and could lead to greater contamination levels and rejected loads.

Q18 Do you agree with the proposed list of materials to be included in scope? (P31)

a. Yes

b. No

*Cartons

Warwickshire Waste Partnership recognises that cartons are to be excluded due to potential capacity issues of current recycling infrastructure. This raises concerns because cartons are included in scope for kerbside collections in the consistent collections consultation. We would only support cartons being excluded from DRS and included in kerbside collections if sorting and reprocessing infrastructure is in place and a guaranteed long-term market is available for the material. There is the potential for the use of cartons to increase, if out of scope, as there could be a 'material shift' to any out of scope material to avoid applying a deposit, including cartons, cups, pouches and bio-plastics.

Glass

Warwickshire Waste Partnership thinks that the inclusion of glass drinks containers in a DRS can naturally be reduced by reducing the maximum size to **below** 700ml. We are aware that there is a potential health and safety issue around the noise associated with collecting glass via DRS, as well

as the potential for broken glass at collection points. However, there is a strong desire to retain smaller glass containers in a 'on the go' scope, as littered glass causes fires and is a danger to people and animals.

Q19 Do you consider there will be any material switching as a result of the proposed scope? Please provide evidence to support your response. (P19)

- a. Yes
- b. No

Warwickshire Waste Partnership is concerned that producers could switch to materials out of scope of a DRS for the drinks packaging and consumers may seek out non-scope packaging to avoid the deposit fee. This could be a switch to cartons, cups or pouches or to novel paper or bioplastic bottles. A similar example is where supermarkets have shifted to using bioplastics due to customer demand for less plastic use. This has created contamination of kerbside recycling systems where it is not compatible in either the organic or the dry recycling collections.

Consumers may also choose to buy larger containers to avoid the deposit fee. For less healthy options such as fizzy drinks, this could have unintended health consequences as more of the product would be consumed than normally would have been through purchasing the smaller bottle. There is also the likelihood that more product will be wasted as a result of buying more than is needed.

Targets

Q20 Which of the following approaches do you consider should be taken to phase in a 90% collection target over 3 years? (P33)

- a) 70% in year 1, 80% in year 2, 90% in year 3 and thereafter
- b) 75% in year 1, 80% in year 2, 90% in year 3 and thereafter
- c) 75% in year 1, 85% in year 2, 90% in year 3 and thereafter
- d) 80% in year 1, 85% in year 2, 90% in year 3 and thereafter

*The investment required for the DRS to operate is significant. An ambitious recycling rate is necessary to achieve the outcomes anticipated, whilst generating the required income to manage the scheme. There are doubts about such targets being achieved in the UK, when there is already a comprehensive kerbside collection system for the vast majority of containers and material recycling rates of 65% to 70% are already being achieved.

Q21 What collection rate do you consider should be achieved as a minimum for all materials after 3 years? (P33)

- a) 80%
- b) 85%
- c) 90% collection rate should be achieved for all materials

*To make the DRS system worthwhile, it should achieve a high capture rate. The less effective a DRS is in collecting targeted material, the more duplication it will have with the existing kerbside collection system and the higher producer costs will be.

Q22 Is it reasonable to assume that the same collection targets could be met with an on-the-go scheme as those proposed for an all-in scheme for in-scope materials? (P33)

- a. Yes
- b. No

For the DRS scheme to be effective and financially viable, a very high return rate is necessary for either option. Further research would be required to establish people's behaviours and likely

capture from either proposed scheme. If the scheme is to operate without a digital option, it is likely a higher rate of capture would be achieved from 'on the go' as it is likely to be more convenient to return the product.

Q23 Who should report on the volumes of deposit return scheme material placed on the market in each part of the United Kingdom (England, Wales and Northern Ireland) for the proposed deposit return scheme, and what would be the implications of these obligations? (P34)

a) **The producer/importer**

b) *The retailer*

c) *Both the producer/importer and retailer*

The producer should be responsible for reporting volumes placed on the market. The in-scope items are unlikely to be held in storage for any considerable period and is therefore likely to be a reasonably representative annual figure. Reporting by the retailer, especially small retailers would be an additional burden and a considerable administrative addition for the DMO.

Q24 What evidence will be required to ensure that all material collected is passed to a reprocessor for the purpose of calculating the rate of recycling of deposit return scheme material? (P35)

The waste Duty of Care applies, it is therefore essential to track that all material is issued to an authorised reprocessor and it will undergo the correct processes until end-of-waste status is achieved. Reporting requirements could be similar to those required for local authorities for Waste Data Flow.

Scheme Governance

Q25 What length of contract do you think would be most appropriate for the successful bidder to operate as the Deposit Management Organisation? (P39)

a) *3-5 years*

b) *5 – 7 years*

c) *7 – 10 years*

d) **10 years +**

*A contract of this magnitude needs long-term security to make the initial required investments for the scheme to operate successfully.

After the first contract period, consideration should be given to making the contracts 8 to 10 years in length, to mirror the planned contract lengths of the EPR Scheme Administrator.

Q26 Do you agree that the above issues should be covered by the tender process? (P41)

a. **Yes**

b. *No*

The potential implications to local authorities of a DRS scheme could be significant. If local authorities are not represented on the DMO, then it is essential for the tender process to refer to the need to liaise with local authorities and have a formalised dispute resolution process. The case for the digital option for kerbside collections will depend on the results of the trials in Wales and Northern Ireland.

Q27 Do you agree that the above issues should be monitored as Key Performance Indicators? (P42)

a. Yes

b. No

Please list any further issues you believe should be covered by Key Performance Indicators.

The contract for the DMO needs to be operated and assessed in a transparent and effective manner. KPIs and other measurements should be designed with this in mind.

Included within a suite of KPIs should be ones that encompass issues related to contamination and littering, including around RVMs. Warwickshire Waste Partnership would like to see KPIs that measure the availability of RVMs – how much time they are available for use and not full etc.

Q28 Do you agree that Government should design, develop and own the digital infrastructure required to register, and receive evidence on containers placed on the market on behalf of the Deposit Management Organisation and regulators? (P43)

a. Yes

b. No

There needs to be consistency with other data reporting systems such as Waste Data Flow, so it makes sense for Government to initially control the digital infrastructure for reporting. This is also key to the potential digital infrastructure for local authority kerbside collections.

Q29 Government will need to understand the needs of users to build digital services for deposit return scheme. Would you like your contact details to be added to a user panel for deposit return scheme so that we can invite you to participate in user research (e.g. surveys, workshops interviews) or to test digital services as they are designed and built? (P43)

a. Yes

b. No

Financial Flows

Q30 What is an appropriate measure of small producers for the purposes of determining the payment of registration fees? (P45)

a. Taxable Turnover

b. Drinks containers placed on the market

c. Any other

Q31 Is a high level of unredeemed deposits funding the scheme problematic? (P46)

a. Yes

b. No.

A high level of unredeemed deposits for any DRS would be problematic, as it means that the scheme is not working as envisaged. This would mean the scheme has low recycling rates, is operating inefficiently and is costing producers more than envisaged.

The consultation indicates the importance of producers paying costs proportionate to the types of materials they place on the market, to reflect the different costs involved in collecting, separating, and treating different material types. Producing materials which can be easily captured and recycled would therefore be incentivised. This is contrary to producer fees being set around unredeemed deposits where a poor capture rate is rewarded to producers by lower fees.

Q32 Which option to treatment of unredeemed deposits do you support? (P48)

Option 1

Option 2

*Producers should not benefit from low capture rates by having lower fees and the proposal that a floor on producer fees is supported, with any surpluses being fed directly back into the scheme to improve the capture rate.

Q33 With option 2, do you foresee any unintended consequences of setting a minimum percentage of the net costs of the deposit return scheme that must be met through the producer fee? (P48)

No

Q34 If a floor is set do you consider that this should be set at: (P48)

a) 25% of net costs

b) 33% of net costs

c) 50% of net costs

d) Other

Q35 Do you agree that any excess funds should be reinvested in the scheme or spent on other environmental causes?

Invested in the scheme

other environmental causes? (P48)

*Any excess funds should be used to increase the environmental outcomes of the scheme, which could be to increase the recycling rate or other positive environmental outcomes such as providing support to local authorities to improve kerbside collections or support to producers to reduce carbon emissions. The DRS only considers the waste aspects; in line with the waste hierarchy and circular economy principles, producers should also be encouraged to consider package design and reduction. Unredeemed deposits could be used to provide such incentives.

Q36 What should be the minimum deposit level set in legislation? (P50)

a.) 10p

b.) 15p

c.) 20p

d.) Other

Q37 Do you agree that there should be a maximum deposit level set in legislation? (P50)

a. Yes

b. No

If yes, what should be the maximum deposit level set in legislation?

a.) 30p

b.) 40p

c.) 50p

d.) Other

If the level is set too high, those on lower incomes will be impacted the most. Although the deposit can be redeemed, there may be situations where the packaging cannot be redeemed immediately, or it makes the initial purchase price too high for some. If a variable deposit level is introduced, to take into account multipacks and larger beverage packaging so the charge is in

proportion to the volume purchased, there is the potential for the maximum deposit level to be much higher than if a single rate is applied.

Warwickshire Waste Partnership believes that having local authority representation, either as part of the DMO or very close links as a key stakeholder, would be important when it comes to things such as setting deposit levels.

There are concerns regarding how deposit levels may vary from those in Scotland. Any differences will raise questions in the eyes of consumers and may lead to a drop in public confidence in DRS as a policy and therefore in the use of the DRS systems. If deposit levels do differ from Scotland, then very careful consideration will be needed to be given to how the reasons are communicated.

Q38 Recognising the potentially significant deposit costs consumers could pay on a multipack purchase, how best can we minimise the impact of the scheme on consumers buying multipacks? (P51)

Warwickshire Waste Partnership would support the introduction of a variable deposit to minimise the multipack impact. A variable deposit level could be introduced where the charge is in proportion to the volume purchased. This could help to minimise the deposit cost of multipacks and larger beverage packaging.

Q39 Do you agree with our approach to letting the Deposit Management Organisation decide on whether to adopt a fixed or variable deposit level, particularly with regards to multipacks? (P51)

Warwickshire Waste Partnership would support the DMO being directed to introduce a variable deposit to minimise the multipack impact. A variable deposit level on multipacks could help to minimise the deposit cost of multipacks and larger beverage packaging.

Return Points

Q40 Do you agree that all retailers selling in-scope drinks containers should be obligated to host a return point, whether it is an all-in or on-the-go deposit return scheme? (P54)

No

Warwickshire Waste Partnership agrees that all retailers should be obligated to ensure a wide network of return points. That said, there does need to be consideration of how very small businesses and on-street sellers are impacted. It seems reasonable that “retailers” on this scale are treated separately to larger retail sites.

The consultation outlines that the third sector could host voluntary return points. If the third sector may be required to provide an extensive collection network, greater clarity on the payment mechanism is needed.

Q41 Given the proposed extensive distribution and availability of return points for consumers to return bottles to, do you think customers would be likely to experience delays / inconveniences in returning drinks containers? If so, how long or how frequently would such delays be likely to arise for? (P54)

Yes

It is almost inevitable that there will be delays some of the time for high demand return points such as supermarkets, especially during busy periods. The equipment could experience technical malfunction or become full. The delays will also largely be determined by the number of items being returned. As it is unknown what consumer behaviour is likely to be, i.e. will larger number of items be stored before being returned - more likely if an ‘all in ‘ system is adopted. This also relates to potential changes in behaviours post Covid-19 and the potential incorporation of a digital solution.

Q42 Do you have a preference, based on the 3 options described above, on what the schemes approach to online takeback obligations should be? (P57)

Option 3 is preferred.

Option 3 outlines the potential for extra journeys being required by the retailer to take-back in-scope material, which could have negative environmental consequences. There is however also the potential that residents may have to make additional journeys to redeem the deposit if an online takeback solution is not an option. Option 2 therefore provides a reasonable and fair solution requiring all retailers over the de minimis threshold including online retailers to have responsibility to take back containers.

Q43 Do you agree with the proposed criteria for the calculation of the handling fee? (P57)

a. Yes

b. No

If no, would you propose any additional criteria are included for the calculation of the handling fee?

Q44 Please tick which exemptions you agree should be included under the scheme: (P60)

a. Close proximity

b. Breach of safety

Close Proximity - No

Whilst the rationale for this proposal is clear, an exemption on the basis of close proximity to a nearby return point could encourage free riders to the detriment of early adopters. For example, if there are two neighbouring retailers and one installs equipment early in the scheme mobilisation, there is little incentive for the second retailer to follow suit if an exemption is available. The criteria that would be applied in determining the exemption and the robustness of any subsequent monitoring to ensure its ongoing validity would need to mitigate these sort of free rider circumstances.

Breach of Safety – Yes under a suitable system

Warwickshire Waste Partnership would not want to see this reason for exemption used to circumvent retailer compliance and obligations. As above there needs to be in place a robust set of criteria that must be met in order for an exemption to be granted. This would need to include regular review and monitoring.

Q45 Please can you provide any evidence on how many small and micro sized retail businesses we might likely expect to apply for an exemption to hosting a return point, on the grounds of either close proximity to another return point or on the compromise of safety considerations? (P60)

No comment

Q46 Do you think obligations should be placed on retailers exempted from hosting a return point to display specific information informing consumers of their exemption? (P60)

If yes, please tick what information retailers should be required to display:

a.) Signage to demonstrate they don't host a return point;

b.) Signage to signpost consumers to the nearest return point;

c.) Anything else?

No comment

Q47 Do you agree with our rationale for not requiring retailers exempted on the basis of a breach of safety not to be required to signpost to another retailer? (P61)

Yes / No

Please explain your answer.

No comment

Q48 How long do you think exemptions should be granted for until a review date is required to ensure the exemption is still required? (P61)

a.) 1 year

b.) 3 years

c.) 5 years or longer

Q49 Do you think the scheme could benefit from technological solutions being incorporated as a method of return, alongside reverse vending machines and manual return points? (P64)

a. Yes

b. No

*Warwickshire Waste Partnership thinks that technological solutions will be vital to ensure that online shopping customers are able to collect deposits on containers that they have previously bought online. A handheld device can be used to scan items when the next delivery is delivered. If a 'on the go' system is adopted, then returns via the kerbside system that are digitally enabled would be an unnecessary additional step. If 'all in' is adopted and digital forms a significant part of the strategy, many people will not have the smartphone necessary, or the ability to get and use the app to scan their items.

Adding digital deposit return to an already extremely expensive scheme to set up, would likely involve adding a barcode or chip to the recycling bin or bins of every household. It is felt that the public will not welcome this. It would also be necessary to give every beverage container an unique code and the ability of the system to know that the items had been purchased, otherwise some unscrupulous people will scan bottles in the shop to redeem deposits on items that they have no intention of buying. A digital kerbside method, with the scanning of a recycling bin, gives no guarantee that the item will subsequently be put in the correct bin. Nor will it ensure any kind of improved quality, as it will not prevent contamination.

We can see that a digital solution for the kerbside would be easy for residents and would increase capture rates and reduce carbon emissions of special trips to return containers, especially in rural areas. However, we do not know if any digital method that can surmount the problems listed above.

If a digital kerbside DRS were to be taken forward, then there would need to be a review of how payments to local authorities worked under the DRS and EPR system. There could be merit in the DRS DMO, rather than being stand alone, being part of the EPR SA. A digital DRS would lend itself to option two of the DRS payments to local authorities, the option based on compositional analysis, which is the payment system Warwickshire Waste Partnership supports.

Q50 How could a digital deposit return scheme solution be integrated into existing waste collection infrastructure? Please explain your answer. (P64)

Most local authorities collect all of the types of beverage packaging that is in scope for DRS. However, there is so much potential for accidental or deliberate misuse of a very simple scan and bin digital method, that a lot of extra infrastructure and tracking would have to be in place to prevent deposits being paid for material that has not been correctly deposited.

Each household would require a unique bar code or chip to be provided (preferably on the recycling bin/crate) to allow the deposit to be redeemed. This would be needed at roll out and for replacement bins. This bar code would have to be indelible and not possible to copy, so an unscrupulous person could not just take a photo of it and then use it in the park and still litter their items.

It would also be necessary to give every beverage container an unique code and the system the ability to know that the items had been purchased, otherwise some unscrupulous people will scan bottles in the shop (taking a copy of their bin barcode with them) to redeem deposits on items that they have no intention of buying.

If the different material types were required to be collected separately, that would require a significant additional investment.

The digital system would need a mechanism for dealing with faulty or damaged bar codes or the only option would be to redeem these products by return to store, creating complaints to local authorities.

There would be issues associated with blocks of flats, making sure that that the correct bin barcode is allocated to the correct household.

Due to the above points and other likely un-envisaged issues, Warwickshire Waste Partnership does not believe that a workable digital kerbside DRS will be possible in the near future.

Q51 What are the potential fraud control measures a digital deposit return scheme could bring?
Please explain your answer. (P64)

Warwickshire Waste Partnership does not believe that a workable digital kerbside DRS will be possible in the near future, as we cannot envisage that the many fraud challenges it poses can be overcome.

The barcode the container would need to recognise when the deposit has been redeemed to prevent multiple deposit requests being made, so each product would need a unique code. Systems would also be required to confirm that the product, once scanned, ends up in the correct recycling collection box/bin and not placed in the wrong container, residual waste, or littered. It would need to be impossible for the bin barcode to be copied for misuse. There would need to be controls that prevent items being scanned in the shop, but not purchased and then the deposit requested via the kerbside system.

Any enforcement over these elements should not be for local authorities to resolve and should fall to the DMO to manage.

Q52 Do you think a digital deposit return scheme could ensure the same level of material quality in the returns compared to a tradition return to retail model, given containers may not be returned via a reverse vending machine or manual return point where there is likely to be a greater scrutiny on quality of the container before being accepted? (P64)

Yes

No

Please explain your answer.

Warwickshire Waste Partnership thinks that a digital return system without some very complicated controls in place could lead to containers being littered yet still having the deposit returned. Equally, the container could still be placed in the residual waste or litter bin, or be put in the wrong recycling bin in a kerbside sort system. If in-scope materials were captured through a comingled dry recycling scheme, MRFs could generate material streams of sufficient quality for most end market recycling. However, a Reverse Vend Machine will naturally produce greater quality, as the equipment should be able to prevent contamination and ensure a one, two or three material stream only.

Q53 If the digital deposit return scheme system can be integrated into the existing waste collection infrastructure would its implementation and running costs be lower? Please provide evidence to support your answer. (P64)

Local authorities have efficient collecting systems in place, providing an acceptable quality recyclate to reprocessors. Including a digital solution to the DRS system to incorporate kerbside collections could reduce the running costs of the scheme, as most of the infrastructure is already in place to collect this material. However, Warwickshire Waste Partnership thinks that the areas for fraud are great and therefore, very expensive measures would need to be put in place to prevent fraud and the costs fully covered. This would likely be so costly it would outweigh the saving made on potentially needing fewer RVMs.

Q54 Do you support the proposal to introduce a new permitted development right for reverse vending machines, to support the ease of implementation for the scheme? (P65)

a. Yes

b. No

Do you have any amendments or additional parameters you would propose are reflected in the permitted development right?

Warwickshire Waste Partnership believes that RVMs should require planning permission. This will allow councils to apply strict criteria for size, location and design for installation and ensure that this is adhered to. The work that will need to take place to grant planning permission in a controlled way is envisaged to be considerably less than the resources that would have to go into dealing with complaints arising from RVMs being placed in unsuitable locations or being an unsuitable design or size.

Labelling

Q55 Do you agree that the following should be part of a mandatory label for deposit return scheme products? (P68)

a) *an identification marker that can be read by reverse vending machines and manual handling scanners.*

b) *a mark to identify the product as part of a deposit return scheme.*

c) *the deposit price.*

Yes.

**The labelling serves two purposes, consumer information and then audit trail/repayment.*

Warwickshire Waste Partnership believes that an OPRL-style label could fulfil the consumer information aspect, providing essential public information that the product is in scope of the DRS and the price. Scanning capability on the labelling is also essential to minimise the potential for fraud and for audit trails.

Q56 Are you aware of further measures that can be taken to reduce the incidence and likelihood of fraud in the system? (P68)

No

Q57 Do you agree with our proposals to introduce mandatory labelling, considering the above risk with regards to containers placed on the market in Scotland? (P69)

a. Yes

b. No

**Mandatory labelling should minimise the potential for fraud. It is recognised this could potentially conflict with Scotland and lead to an element of confusion if there is cross-nation*

movement of in-scope packaging. However, without the mandatory labelling in place the consequences could be greater, with more widespread inconsistent messaging.

Q58 Do you consider the risk of incorrectly labelled products entering the markets of England, Wales or Northern Ireland via Scotland to be a significant risk? Please provide any evidence to support your answer. (P69)

Mandatory labelling should minimise the potential for fraud or confusion. It is recognised this could potentially conflict with Scotland and lead to an element of confusion if there is cross-nation movement of in-scope packaging. However, without the mandatory labelling in place the consequences could be greater with more widespread inconsistent messaging.

Q59 Do you consider leaving any labelling requirements to industry to be a better option than legislating for mandatory labelling requirements? Please explain your answer. (P69)

Warwickshire Waste Partnership believes that the scheme should mandate the labelling content and design. Providing ad hoc labelling by industry could provide conflicting messages, which may result in local authorities having to manage queries and complaints resulting from confusing packaging labels.

Q60 Are you aware of any other solutions for smaller producers who may not currently label their products? Please explain your answer. (P69)

Providing smaller producers with stickers is a reasonable approach and would allow for any digital solutions to be easily adopted.

Q61 We believe 18 months is a sufficient period of time for necessary labelling changes to be made. Do you agree? (P70)

a.) Yes

b.) No

Can you provide any evidence to support your answer?

Q62 Will your processes change as a result of mandatory labelling? (P70)

a. Yes

b. No

c. Don't know

Please explain your answer.

This question is not applicable to Warwickshire Waste Partnership.

Q63 Do you agree that our proposed approach to labelling will be able to accommodate any future changes and innovation?

Yes / No / Don't know

Are you aware of any upcoming technology in the field of labelling? (P70)

Local Authorities and Local Councils

Q64 Do you agree that local authorities will be able to separate deposit return scheme containers either themselves or via agreements with material recovery facilities to regain the deposit value? (P75)

a. Yes

b. No

Please explain your answer

Warwickshire Waste Partnership does not support Option 1.

Warwickshire Waste Partnership thinks that it would be prohibitively expensive to separate DRS containers at the kerbside, as well as being inconvenient and confusing for the householder. Some MRFs will have the ability to identify and separate some DRS material, but none will be able to do this comprehensively and most will not be able to at all. Even with the most sophisticated equipment, some DRS containers will be missed as they will be broken, dirty or unrecognisably crushed. If in-scope items are required to have the caps on to be eligible for the deposit, this is not something a MRF would be able to check for. It is likely that agreements with the MRF could also be difficult.

Compositional analysis which will be in place for EPR will help to identify averages for DRS scope material over time, which fits with Option 2.

Litter and residual DRS material is excluded from Option 1, to align with EPR principles and full net cost recovery these elements need to be covered.

Q65 Do you agree that local authorities will be able to negotiate agreements with material recovery facilities to ensure gate fees reflect the increased deposit values in waste streams or a profit sharing agreement on returned deposit return scheme containers was put in place? (P75)

a. Yes

b. No

Warwickshire Waste Partnership does not support payment option one.

We are not confident that agreements could be easily or equitably renegotiated. If MRFs need to put in place additional sorting infrastructure to separate out DRS materials, these costs would be reflected in the gate fees and therefore could represent a cost rather than a saving, especially in the short term. If additional sorting is required at the MRF, these costs should not be met by the local authorities in terms of higher gate fees.

Local authorities should receive the deposit for the material collected by them and will rely on accurate reporting from the MRF. If a digital solution is adopted for kerbside collections, the deposit will have been redeemed by the resident and so will not need paying to the local authority. Instead, it is the costs for collecting and processing the material that would need to be covered. With the digital system, there is an issue of the kerbside containers containing some items that have been scanned and the deposit redeemed and some where they have not been scanned. How would the amount that the LA should get back for the unscanned items be worked out?

Q66 In order to minimise the risk of double payments from the Deposit Management Organisation to local authorities, where should data be collected regarding the compositional analysis to prevent the containers then being allowed to be redeemed via return points? (P77)

The principle of Option 2 sounds reasonable if material cannot be reasonably separated out, although the payment mechanism and associated costs for an 'efficient and effective collection' and the various payment groups would require further consultation and agreement. There should also be capacity for an appeals system if a local authority can demonstrate it has been inappropriately categorised or the payments do not reflect the costs incurred.

Compositional analysis would be required at the MRF, checking individual bins is a very expensive process and is likely to be less representative due to a smaller sample size. Compositional analysis at the MRF does potentially open the system up to fraud where local authorities may receive a relatively constant payment and the MRFs claim any excess deposits if there are any. It should not be the local authority having to undertake the compositional analysis.

It is noted that an assumption has been made that the proportion of 70% of recycling of drinks beverage packaging would continue once the DRS material has been removed. Warwickshire Waste Partnership believes this is unlikely to remain constant as residents who currently recycle well may be more likely to use the DRS return options. The 7% estimation for the kerbside recycling may therefore not be representative if the high DRS rate of 90% is achieved, furthermore the proportion in the residual stream could also be higher. Further modelling and compositional analysis once the DRS system is in place would be required to ensure LA payments were representative of the materials being collected.

Q67 How difficult do you think this option would be to administer, given the need to have robust compositional analysis in place? (P78)

Please explain your answer.

This option is only a potential approach if the majority of LAs can separate DRS material, which will rely on MRFs to provide the data. Having reliance on compositional analysis is expensive and would need to be carried out on a regular basis to ensure it is representative. If a variable deposit is introduced, this would be very difficult to verify in a standard compositional analysis and would require even greater monitoring.

A simpler and cheaper alternative is to consider mass balance. If it is known what has been placed on the market, the vast majority of this will have a relatively quick turnover. It would therefore be reasonable to assume that once the deposits have been reclaimed at return points most of the remaining material will be collected by local authorities either be in the kerbside recycling, residual bin or littered. Occasional compositional analysis could be completed to confirm this. Warwickshire Waste Partnership considers it will be difficult to administer this option and does not support it.

Q68 What option do you think best deals with the issue of deposit return scheme containers that continue to end up in local authority waste streams? (P78)

a. Option 1

b. Option 2

c. Option 3

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

Warwickshire Waste Partnership strongly supports option 2.

Option 2 maximises the potential return of DRS material and offers a fair system of payment to cover all the DRS material local authorities collect (recycling, litter, and residual).

The DMO will be able to determine the weight/quantity of all in-scope material placed on the market and, through return points, determine the proportion that has been redeemed. Assuming that the system is sufficiently effective to minimise or eradicate material 'leakage', and that reporting timescales account for material that may be retained by the householder with the intention of redeeming deposits in future (stockpiling), it can be reasonably stated that all remaining material will fall upon the local authority to deal with, through kerbside recycling, residual waste containers, HWRCs, litter (on street and in litter bins) and also illegal waste disposal (fly-tipping). A local authority should not be financially disadvantaged for failures in the DRS that the local authority cannot control.

Compliance Monitoring and Enforcement

Q69 Are there any other producer obligations you believe the Environmental Regulators should be responsible for monitoring and enforcing? (P81)

Warwickshire Waste Partnership agree that the proposed areas for monitoring and enforcement by the Environmental Regulators is reasonable.

Q70 Are local authorities (through the role Trading Standards and the Primary Authority Scheme) best placed to enforce certain retailer obligations? (P82)

a. Yes

b. No

Please give any alternative suggestions.

To what extent will local authorities be able to add monitoring and enforcement work for the deposit return scheme to existing duties they carry out with retailers?

The additional obligations placed on Trading Standards could be significant, particularly in the short term as the scheme is set up. The consultation refers to staff time being covered for managing return points. Any additional burdens placed on local authorities should also be covered. Further information should be provided on a payment model for this.

The consultation proposes that the cost burden of enforcement undertaken by local authorities is largely addressed through the Primary Authority scheme. However, this is voluntary and does not necessarily ensure that enforcement would not be needed against participating retailers (with the cost of this not covered in that event). The businesses that are most likely to commit offences are less likely to be involved in the scheme (either individually or through a trade association).

Local authority Trading Standards are best placed to enforce these requirements. It needs to be recognised that this would be a new burden and so should be funded by obligated producers (as is proposed with enforcement of the EPR requirements by the Environment Agency).

Q71 In addition to those in the table, are there any other types of breaches not on this list that you think should be? If so, what are they? These may include offences for participants not listed e.g. reprocessors or exporters. (P84)

TBD by Warwickshire Trading Standards.

Q72 Are there any vulnerable points in the system? (P84)

Please explain your answer.

TBD by Warwickshire Trading Standards.

Q73 Do you see a role for the Deposit Management Organisation to seek compliance before escalating to the Regulator? (P84)

Yes, there should be an informal approach by the DMO to establish if less significant issues can be resolved before escalating to the formal enforcement process. The Regulator should be responsible for providing strict guidance around this to minimise the risk of inconsistencies which could create difficulties for potential prosecutions if incorrect information has been given by the DMO.

Q74 Do you agree with the position set out regarding enforcement response options? If not, please expand your answer. (P85)

Warwickshire Waste Partnership agrees to the tiered approach to enforcement, offering resolution of increasing significance before relying on more time-consuming legal approaches.

Implementation Timeline

Q75 Do you have any comments on the delivery timeline for the deposit return scheme? Please pose any views on implementation steps missing from the above? (P87)

Warwickshire Waste Partnership think that the DRS scheme should be rolled out as soon as possible, to work alongside the new EPR and consistent collection changes. It is important that the system is designed well, but any unnecessary delays will not address the litter issue, which is one of the most important drivers for this policy. Delays will not escalate an improvement in capture and quality and the environmental and climate change improvements that come with increased quantity and quality of recycling.

Q76 How long does the Deposit Management Organisation need from appointment to the scheme going live, taking into account the time required to set up the necessary infrastructure? Please provide evidence to support your answer. (P88)

a.) 12 months

b.) 14 months

c.) 18 months

d.) Any other (please specify)

There are so many unknowns at this point it is difficult to assess with any degree of accuracy how long it will take the DMO to set up the required infrastructure. However, given the size and scale of the task and the changes under EPR and consistent collections also taking place, it would be seem that a period of 24 months is more realistic.

Q77 Depending on the final decision taken on the scope of the scheme in England and Northern Ireland – all-in or on-the-go – what, if any, impact does this have on the proposed implementation period? (P88)

The impacts on the implementation period depends on which option is selected regarding data requirements for local authorities. For an 'all in' system, this needs a greater lead in time to amend contracts with MRFs to separate and report on the in-scope materials separated and issued to the DMO.

Q78 Do you agree with the analysis presented in our Impact Assessment? (P94)

a. Yes

b. No

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

If the digital solution is to be incorporated into the scheme design, this represents a significant change in how the scheme would be managed. This option should therefore be fully evaluated as it is likely to substantially change the impacts/costs. Without this information the impact assessment is incomplete.

Warwickshire Waste Partnership does not agree with the analysis presented on littering and thinks there is unlikely to be a cost saving related to operational aspects of litter collection. The impact assessment makes a direct correlation between the reduction in litter and cost savings in terms of manual sweeping, litter picking and emptying bins. We do not believe this is an accurate reflection, as staff will be required to cover the same area to litter pick and bins will probably have to be emptied with the same frequency. Similarly, it is unlikely there will be a reduction in transport movement either.

It is not clear to what extent post-pandemic behaviours/consumption patterns and limitations to return points have been incorporated into modelling. If, as expected, some of the behaviours observed during 2020 and 2021, which are reflected in kerbside yields and compositions, become sustained, this could have a significant bearing on the feasibility of a DRS as currently modelled. It is difficult to comment fully as the scale and cost of key scheme requirements, such as compositional analysis and monitoring of return points, differ across the scenarios. The information presented is not of sufficient detail to determine the impact of key scheme variables presented throughout the consultation.

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EPR Consultation – Warwickshire Waste Partnership Final Draft, 26 May 2021

- Q1 Name
Warwickshire Waste Partnership
This consultation response is submitted on behalf of the Warwickshire Waste Partnership and should be read as equal to six responses from: North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council, Stratford District Council, Warwick District Council, Warwickshire County Council.
- Q2 Email address
waste@warwickshire.gov.uk
- Q3 Organisation type
Local Authority
- Q4 Would you like your response to be confidential?
No
- Q5 Government will need to understand the needs of users to build digital services for Extended Producer Responsibility. Would you like your contact details to be added to a user panel for Extended Producer Responsibility so that we can invite you to participate in user research (e.g. surveys, workshops and interviews) or to test digital services as they are designed and built?
Yes

What we want to achieve – principles, outcomes and targets

- Q6 Do you agree or disagree with the proposed framework for setting packaging targets? (P30)
a. Agree
b. Disagree
c. Neither agree nor disagree
If you disagree, please provide the reason for your response.

WARWICKSHIRE WASTE PARTNERSHIP agrees with the majority of the proposed framework for setting packaging targets. We support the concepts of circularity and closed loop recycling and believe there are benefits to materials being recycled in this manner. However, in some cases costs of collecting material for closed loop recycling has outweighed any additional income that closed loop recycling might attract. If material is to be diverted to closed loop recycling end markets, the costs of collection to enable this will need to be paid to local authorities and be seen as part of an effective system.

- Q7 Do you agree or disagree that the business packaging waste recycling targets set for 2022 should be rolled over to the calendar year 2023? (P32)
a. Agree
b. Disagree
c. Neither agree nor disagree
If you disagree, please provide the reason for your response.

This approach would give the businesses impacted some level of consistency during the change from the current system to the new extended producer responsibility system.

Q8 Do you agree or disagree that the recycling target to be met by 2030 for aluminium could be higher than the rate in Table 3? (P36)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response.

It is unclear how much of any recycling increase is expected to come just from EPR. It is also unclear what percentage of the current aluminium recycling rate will be diverted to the DRS system in future, and so not fall under the EPR target.

Q9 Do you agree or disagree with the proposed minimum target to be met by 2030 for glass set out in table 3? (P36)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response.

Glass bottles and jars are well catered for through Warwickshire local authority kerbside and HWRC collections. It is therefore reasonable that a high recycling rate for non-DRS glass packaging could be achieved.

Q10 What should the glass re-melt target for 2030 for non-bottle packaging be set at? (P37)

Please provide the reason for your response.

WARWICKSHIRE WASTE PARTNERSHIP believes that local authorities should be part of the discussions that determine any remelt specific target for glass packaging. The economics of glass recycling have been such that any potential additional income for providing colour separated glass for remelt has been outweighed by the additional costs to collect it separately. Any remelt target will have to be set on the basis that it may require additional funding from producers into the system to achieve high levels of colour separation from kerbside and HWRC collections. This will impact on aspects of the payment system and benchmarking of an efficient service.

Q11 Do you agree or disagree with the proposed minimum target to be met by 2030 for plastic set out in table 3? (P37)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response.

WARWICKSHIRE WASTE PARTNERSHIP has concerns about the sorting and end market capacity for films and flexibles in the short and medium term in the UK. We also have concerns about the likelihood of the levels of increases predicted in table two, especially relating to DRS.

Q12 Do you think a higher recycling target should be set for wood in 2030 than the minimum rate shown in Table 3? (P38)

a. Yes

b. No

c. Unsure

Please provide the reason for your response.

As outlined in the consultation, higher targets could have unintended consequences of drawing material away from other markets and potentially having a negative impact on reuse.

Q13 If higher recycling targets are to be set for 2030, should a sub-target be set that encourages long term end markets for recycled wood? (P38)

a. Yes

b. No

c. Unsure

Please provide the reason for your response.

WARWICKSHIRE WASTE PARTNERSHIP supports the concept of promoting long term end markets for wood recycling.

At this point we would also like to appeal for extended producer responsibility to be extended, as soon as possible, to other materials that are more commonly recycled or disposed of at HWRCs. This would include, but not be limited to, hard to recycle items such as mattresses, carpet, hard plastics and bulky furniture like sofas and divan beds.

Q14 Do you agree or disagree with the proposed minimum target to be met by 2030 for steel set out in table 3? (P39)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response.

Countrywide, collection services for steel are already mature and no new services are likely to emerge as part of the consistent collections policy so any increase in steel recycling will require national and targeted ongoing communications at levels much higher than there has been previously.

Q15 Do you agree or disagree with the proposed minimum target to be met by 2030 for paper/card set out in table 3? (P39)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response.

Countrywide, collection services for card packaging are already mature and no new services are likely to emerge as part of the consistent collections policy so any increase in card recycling will require national and targeted ongoing communications at levels much higher than there has been previously.

Q16 Do you agree or disagree with the proposal to set recycling targets for fibre-based composites? (P41)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response.

WARWICKSHIRE WASTE PARTNERSHIP has concerns about the sorting and end market capacity for fibre-based composites in the short and medium term in the UK. Inclusion in the core set of materials that local authorities would be obliged to collect will stimulate the provision of capacity, in time. However, if they are included in the core set from too early a date, it creates an expectation to the public that all councils will collect them for recycling, and if there is not capacity for this, there will be damage to public confidence in recycling.

Q17 Do you agree or disagree that there may be a need for closed loop recycling targets for plastics, in addition to the plastics packaging tax? (P43)

a. Agree

b. Disagree

c. Neither agree nor disagree

Please provide the reason for your response.

WARWICKSHIRE WASTE PARTNERSHIP agrees that there are clear environmental benefits to closed loop recycling. However, UK plastics recycling capacity appears to have diminished recently, meaning that we are very reliant on export to end markets. There are lots of legitimate and appropriate closed loop end markets in other countries, but due to media portrayal of some waste from the UK ending up causing pollution in destination countries, the public perceive all exporting of recycling as a bad thing. It is hoped that there will be stimulation of more capacity for closed loop recycling in the UK or Europe, due to the UK EPR and England consistency proposals.

Q18 Please indicate other packaging material that may benefit from closed loop targets. (P43)

Glass has been mentioned within the consultation document for a possible closed loop recycling target. There are often increased collection costs associated with colour separated glass collection that any increased income from closed loop end markets does not always cover.

Producer Obligations for Full Net Cost Payments and Reporting

Q19 Do you agree or disagree that Brand Owners are best placed to respond effectively and quickly to incentives that are provided through the scheme? (P50)

a. Agree

b. Disagree

c. Neither agree nor disagree

*WARWICKSHIRE WASTE PARTNERSHIP believes that this is the most suitable place in the supply chain to apply compliance. We believe the seller may be in less of a position to drive better product design than the brand owner.

Q20 Are there any situations where the proposed approach to imports would result in packaging being imported into the UK which does not pick up an obligation (except if the importer or first-owner is below the de-minimis, or if the packaging is subsequently exported)? (P51)

Where available, please share evidence to support your view.

WARWICKSHIRE WASTE PARTNERSHIP is not aware of situations that the proposed approach would not cover.

Q21 Of Options 2 and 3, which do you think would be most effective at both capturing more packaging in the system and ensuring the smallest businesses are protected from excessive burden? (P54)

a. Option 2

b. Option 3

c. Neither

d. Don't know

If you answered 'neither', please provide the reason for your response and describe any suggestions for alternative approaches to small businesses.

Q22 If either Option 2 or 3 is implemented, do you consider there to be a strong case to also reduce the de-minimis threshold as set out in Option 1? (P54)

a. Yes

b. No

c. Unsure

Please provide the reason for your response.

If option three is implemented in a manner that is intended, then as outlined in the consultation it should encompass the majority of packaging that would otherwise fall under the de-minimis level. Reducing the de-minimis level, whilst implementing option three, increases the administrative burden on small businesses without increasing the capture of packaging within the obligations.

Q23 Do you think that Online Marketplaces should be obligated for unfilled packaging in addition to filled packaging? (P56)

a. Yes

b. No

c. Unsure

If you answered 'yes', please provide the reason for your response.

WARWICKSHIRE WASTE PARTNERSHIP believes that this material should be brought into a UK EPR system, as it will be collected and treated/disposed of in the UK and therefore UK local authorities are currently bearing the cost of this packaging. To follow through on the polluter pays principle and the concept of full net cost recovery, operators of online marketplaces must be obligated.

Q24 Do you foresee any issues with Online Marketplaces *not* being obligated for packaging sold through their platforms by UK-based businesses? (P56)

a. Yes

b. No

c. Unsure

If you answered 'yes', please provide the reason for your response.

Q25 This proposal will require Online Marketplaces to assess what packaging data they can collate and then, where there are gaps to work together to create a methodology for how they will fill those gaps. Do you think there are any barriers to Online Marketplaces developing a methodology by the start of the 2022 reporting year (January 2022)? (P56)

a. Yes

b. No

c. Unsure

If you answered 'yes', please provide the reason for your response.

Q26 Is there any packaging that would not be reported by the obligation as proposed? (except for packaging that is manufactured and sold by businesses who sit below the de-minimis) (P59)

a. Yes

b. No

c. Unsure

If you answered 'yes', please detail what packaging would not be reported by this approach.

Q27 Do you agree or disagree that the allocation method should be removed? (P60)

a. Agree

b. Disagree

c. Neither agree nor disagree

Producer Disposable Cups Takeback Obligation

Q28 Do you agree or disagree that a mandatory, producer-led takeback obligation should be placed on sellers of filled disposable paper cups? (P67)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response and/or suggest any alternative proposals for increasing the collection and recycling of disposable cups.

WARWICKSHIRE WASTE PARTNERSHIP observes that there has been some progress on take back of disposable cups on a voluntary basis. There is very strong support from the partnership for a mandatory take back scheme for disposable cups.

However, even if take back was made mandatory, disposable cups will still appear in local authority recycling and residual waste collections and in litter, especially as the DRS consultation has stated that cups will not be included in that system. Producer responsibility is being implemented thoroughly in other areas of packaging and should include disposable cups, so that local authorities are receiving full cost recovery for this type of packaging. Given that disposable cups are often consumed on-the-go, they can easily end up as litter and so are a particular cost burden on local authorities.

The performance of EPR requirements on single use cups should be reviewed at suitable regular intervals. If recycling levels are lower than could be expected, introducing charges on them or moving them into the DRS system should be considered to instigate behaviour change.

Q29 Do you agree or disagree with the proposed phased approach to introducing any takeback obligation, with larger businesses/sellers of filled disposable paper cups obligated by the end of 2023, and the obligation extended to all sellers of filled disposable paper cups by the end of 2025? (P67)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide a reason for your response and/or how you think the mandatory takeback obligation should be introduced for sellers of filled disposable cups.

Modulated Fees and Labelling

Q30 Do you think that the proposed strategic frameworks will result in a fair and effective system to modulate producer fees being established? (P72)

a. Yes

b. No

c. Unsure

If you answered 'no', please provide the reason for your response being specific with your answer where possible.

Q31 Do you agree or disagree that the Scheme Administrator should decide what measures should be taken to adjust fees if a producer has been unable to self-assess, or provides inaccurate information? This is in addition to any enforcement action that might be undertaken by the regulators. (P75)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response.

Q32 Do you agree or disagree with our preferred approach (Option 1) to implementing mandatory labelling? (P82)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response.

WARWICKSHIRE WASTE PARTNERSHIP supports the mandated use of clear and consistent labelling indicating if packaging is recyclable or not. This is a vital element of this overhaul of packaging waste strategy and has the potential to greatly increase recycling quantity and quality and reduce expensive contamination. The labelling requirements must be linked with requirements in England under the consistent collections policy. We would also want to see other “recycling labels” removed from packaging as much as possible, as these are often misleading and meaningless to a consumer. The label should be unambiguous and say ‘Recycle at the kerbside’ with a tick or ‘Do not recycle at the kerbside’ with a cross. There should be a nationwide communications campaign to demonstrate the labelling and local authority communications can link in with this.

WARWICKSHIRE WASTE PARTNERSHIP supports Option 2, a single labelling system, as this will be the easiest for the public to understand and for wide-spread national promotion. OPRL-style labelling or similar would work; it is well recognised by consumers and is widely used by the retail and packaging industry already.

Warwickshire Waste Partnership thinks that Option, 1, approved labelling, could work if that means that manufacturers are given a restricted set of approved standard-wording labels to choose from to suit their packaging size and colour palette.

Offering manufactures design freedom and then putting each design through an approval process would be inefficient and could still lead to a range of labelling which would be too broad to be impactful, recognisable, clear and easily understood.

Regarding the information within the labelling, plastic film and flexibles will be the exception where the instruction does not sit within the binary format. We agree with the line from page 23 of the consistency consultation: ‘Until household collection of plastic film is fully in place, packaging labelling would need to instruct the consumer to take their film to the nearest front of store recycling point, or to check if the material can be recycled locally by their local authority.’ It also needs to be made clear when items should be presented together, e.g. metal lid reattached to a wine bottle, or separately, e.g. plastic film removed from plastic tray.

Q33 Do you agree or disagree with the proposal that all producers could be required to use the same ‘do not recycle’ label? (P82)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response.

WARWICKSHIRE WASTE PARTNERSHIP strongly supports this concept. The design needs to be standardised, clear and eye catching. Clear and controlled labelling will increase recycling and reduce non-target contamination, especially if linked to a national behaviour change campaign. WARWICKSHIRE WASTE PARTNERSHIP supports the use of OPRL-like label design and wording. It is already familiar to consumers and the design is based on thorough research. Its use would also cause minimal change to the large number of producers using it already.

Q34 Do you think that the timescales proposed provide sufficient time to implement the new labelling requirements? (P82)

a. Yes

b. No

c. Unsure

If you answered 'no', please provide the reason for your response.

Adoption of the OPRL labelling would provide even greater certainty that the timescales could be met, given the number of producers and packaging that already carry the OPRL labelling.

Q35 Do you agree or disagree that the labelling requirement should be placed on businesses who sell unfilled packaging directly to small businesses? (P82)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response.

The requirement to label packaging needs to be placed at the point in the process where it will be most effective and efficient to do so. Where this is needs to be clearly defined and the rules and regulations regarding the type of labelling adhered to.

Q36 Do you think it would be useful to have enhancements on labels, such as including 'in the UK' and making them digitally enabled? (P83)

a. Yes

b. No

c. Unsure

If you answered 'yes', please state what enhancements would be useful.

WARWICKSHIRE WASTE PARTNERSHIP believes that the messaging OPRL has built up over the years is successful and well recognised and acted upon by consumers is because of its simplicity. Whilst there may be benefit from promoting other messages on packaging, they must be done in such a way that does not detract from the recycle/don't recycle message to the consumer. We do not believe that "in the UK" will materially enhance consumer understanding of the labelling. WARWICKSHIRE WASTE PARTNERSHIP would support digitally enabled labelling.

Q37 Do you agree or disagree that local authorities across the UK who do not currently collect plastic films in their collection services should adopt the collection of this material no later than the end of financial year 2026/27? (P85)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response and/or what date you consider local authorities could collect films and flexibles from. Please share any supporting evidence to support your views.

WARWICKSHIRE WASTE PARTNERSHIP is concerned about the viability of meeting this target for the following reasons:

- UK sorting infrastructure will not be ready by this date. Existing UK MRFs will require significant extra investment in equipment upgrades. Extra space will be required at the sorting facility and many MRFs will not have the footprint to accommodate the extra equipment.
- MRF contract changes will be needed as they develop the ability to accept, sort and send films and flexibles to recycling end markets. Any costs associated with this sort of change would need

to be covered by the EPR funding. This includes any ongoing changes in gate fees as result of films and flexibles being collected.

- Recycling end markets for this material do not exist at the scale required, especially not within the UK and Europe. The public are becoming increasingly against their waste being exported outside Europe, due to the media reporting on UK waste plastic causing pollution in importing countries. Potential new end markets are being developed, for example chemical recycling. However, these are still at the test stage and it is unclear how scalable these will be and how much capacity they will end up providing.
- It will be difficult for local authorities to communicate to residents about the definition of films and flexibles. We note that in the consistency consultation, films are poorly defined. It is unclear whether all films, for example crisp packets, biscuit wrappers, ready meal lids and pet food pouches will be included, or if it will only be the stretchy (LDPE?) film of bread bags, carrier bags and bubble wrap listed in the consistency wording. Colleagues from DEFRA, when quizzed on this at an LGA discussion on the consultations, were not able to say what would be in scope.
- Films and flexibles will not be presented 'clean' for collection by the public. They are likely to be contaminated with food and still attached to other packaging. We do not think that thought has been given to how the sorting and reprocessing infrastructure will be set up to cope with this.
- It will be difficult to collect films and flexibles at HWRCs. There will be difficulties in keeping control of this light material that is easily taken by the wind. It will also be very difficult to control quality, cleanliness and contamination, especially if bank-style containers are used to prevent the material escaping by being blown away.

It is reasonable to require local authorities to start collecting film and flexibles at a point at which there is suitable sorting capacity available to them within a practical haulage distance, taking into account existing contractual commitments. Stable end markets would also need to be available.

Q38 Do you agree or disagree that collections of plastic films and flexibles from business premises across the UK could be achieved by end of financial year 2024/5? (P85)

a. Agree

b. Disagree

c. Neither disagree nor agree

If you disagree, please provide the reason for your response and/or what date you consider this could be achieved by. Please share any evidence to support your views.

The lack of UK sorting infrastructure and recycling end markets which led to Warwickshire Waste Partnership to disagree that local authorities should collect films and flexibles no later than 26/27 (Q37) is still relevant to material collected from businesses. Most of this type of waste will be household-like, so it is hard to understand how it will be possible to collect this earlier than 26/27, although it should be done as soon as is viable. Household-like dry recycling from businesses can be more contaminated than that from households.

Warwickshire Waste Partnership accepts that there may be more opportunity for completely separate collections of film from business that generate this in quantity as a single, clean waste stream, which could then help those businesses meet an earlier date for collections of that waste. However, there will still need to be sorting capacity and recycling end markets for this.

Q39 Do you think there should be an exemption from the 'do not recycle' label for biodegradable/compostable packaging that is filled and consumed (and collected and

taken to composting/anaerobic digestion facilities that accept it), in closed situations where reuse or recycling options are unavailable? (P87)

a. Agree

b. Disagree

c. Neither agree nor disagree

Please provide the reason for your response.

WARWICKSHIRE WASTE PARTNERSHIP strongly feels that this type of packaging should carry a 'Do not recycle at the kerbside' message. Anaerobic digestion and open windrow composting facilities cannot process compostable packaging. The move to separately collected food waste will phase out the use of in-vessel composting for kerbside-collected biowaste, so it is pointless to consider whether this technology can handle compostable packaging (which ours currently cannot anyway). If a regulated standard for home compostable packaging is developed, this could be an additional label used alongside the 'Do not recycle at the kerbside' standard label. These messages would need researching and testing before being approved.

We do not believe that it will be possible to ensure that items are solely used in closed situations, although we would support events or venues working to take back packaging used on their premises for appropriate recycling or composting using additional on-site communications. On-pack messaging is designed to inform the consumer what they can do with that packaging in their household collections and so the packaging label should reflect that most commonplace situation. The label biodegradable should not be allowed to be used and regulation of the packaging industry to better control the labelling of materials as biodegradable or compostable is urgently needed.

Q40 Do you consider that any unintended consequences may arise as a result of the proposed approach to modulated fees for compostable and biodegradable plastic packaging? (P87)

a. Yes

b. No

c. Unsure

If you answered 'yes', please detail what you think these unintended consequences could be and provide any suggestions for how they may be avoided.

Warwickshire Waste Partnership agrees with the information in the consultation about the environmental and recycling / composting industry operational challenges that biodegradable and compostable packaging creates. We agree that it should initially attract higher modulated fee rates than packaging that is more readily recycled using current systems. We would welcome further work within the value chain on developing lower carbon, plant-based packaging, but alternative packaging entering the consumer packaging chain without properly established and paid-for sorting capability and end markets is very problematic for local authorities, stuck between the retail chain and the waste management chain.

Payments for Managing Packaging Waste

Q41 Do you agree or disagree with the proposed definition and scope of necessary costs? (P90)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please detail why and provide any costs you think should be included under the definition of necessary costs.

WARWICKSHIRE WASTE PARTNERSHIP broadly supports the proposed scope of necessary costs.

Necessary costs should include, but not be limited to:

- Costs arising from contract changes resulting from new EPR policies.

- The cost of any changes in tonnages or calorific value of residual waste as a result of removing recyclables from disposal/recovery.
- The ongoing costs of communications with residents to achieve high capture and low contamination rates.
- Cost impact for Teckal/contracted-out services. There may be a need to unpick roles and duties within contracts to establish what elements relate to packaging collections.
- Risk of non-viable contracts and appropriate support for local authorities.
- Infrastructure changes as a result of EPR implementation will need to be funded. This could be one off capital costs as well as ongoing revenue costs.
- Service changes will have impacts on current costs of collection. Authorities will need to undertake new modelling and route optimisation if new materials are to be collected and these costs should be covered by producers.
- Necessary costs may be inflated if all LAs implement service changes at the same time as result of the market reaction to being in a strong supply position.
- Relevant enforcement costs will need to form part of necessary costs if local authorities are going to seek to ensure that residents place the correct materials into the correct container.

Q42 Do you agree or disagree that payments should be based on good practice, efficient and effective system costs and relevant peer benchmarks? (P96)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please detail any issues you think there are with this approach and how you think payments should instead be calculated.

Warwickshire Waste Partnership understands that, in time, due to consistent collections regulations, English local authorities will align to offer more similar kerbside waste services. However, some authorities are starting from a point where their services are already close to the consistent collection stipulations and others are far from that model of operating. There are potential issues regarding what is deemed “a cost effective and efficient” service and it could be a means by which producers will not have to pay full net costs. WARWICKSHIRE WASTE PARTNERSHIP would argue strongly against this concept. There may be value in establishing a theoretical reference cost for each individual local authority as a benchmark. But again, a model will never truly be able to calculate real world costs so there should be no financial penalties for an authority that is not achieving a predicted cost profile for very valid reasons. Rather, support and assistance should be offered to understand why that might be happening and what steps can be taken to improve performance.

WARWICKSHIRE WASTE PARTNERSHIP believes that the application of a set of standards against which payment can be made or withheld is not implementing the producer pays principle, proper producer responsibility or full net cost recovery. There are merits in the grouping together of local authorities and even the calculation of reference costs, but these should not be used as a level above which payments will not be made.

Local authorities are continually seeking to become more efficient and find ways of making our services as cost effective as possible. It will be rare that a service is operating in an inefficient manner.

WARWICKSHIRE WASTE PARTNERSHIP is concerned regarding the six groupings that were originally proposed or even the nine that has since been suggested; that is far too few to allow for legitimate differences that impact on cost. The size of the authority will affect the economies of scale available to it to deliver services. An urban area in the north of England could be in the same group as a London Borough based on deprivation index, but the costs of labour will be vastly

different. There are also higher costs of disposal in rural parts of the UK, due to a lack of reprocessing infrastructure.

WARWICKSHIRE WASTE PARTNERSHIP understands the concept of having groupings for benchmarking purposes but feels that more work needs to be done to form a view on the appropriate number of groups and the meaningful criteria by which a group is determined. Local authorities will need confidence in the formation of any groupings and there will also need to be a suitable appeals process for local authorities who believe they have been placed in an incorrect grouping. Being stuck in an incorrect group will result in many local authorities unable to achieve the benchmark cost for their group and so not receiving their full net costs.

WARWICKSHIRE WASTE PARTNERSHIP is concerned about disposal and treatment contracts, where the large scale, future commitments and historical nature of these contracts mean that they could be less likely to meet a theoretical benchmark cost. There are also concerns about the potential short length of any transition period to move to a benchmarked service cost.

A payment system based on modelled costs and groupings will always mean some authorities are not receiving the costs they would reasonably expect to. Therefore, WARWICKSHIRE WASTE PARTNERSHIP strongly recommends that a move from a system of modelled costs to a system of actual costs is planned and implemented by 2028 at the latest. If confidence can be given to local authorities that they will be moving to a system of actual cost payments, they will be more likely to accept a modelled costs payments system when EPR is first implemented in 2023, in order to begin the payments in that short timeframe.

Q43 Do you agree or disagree that the per tonne payment to local authorities for packaging materials collected and sorted for recycling should be net of an average price per tonne for each material collected? (P99)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please detail how material value should be netted-off a local authority's payment.

WARWICKSHIRE WASTE PARTNERSHIP is concerned about how netting off income will work where material is handled by a third party, such as a waste management company. Given this is the majority of cases, there is concern about how much of the income is and will be passed back to local authorities and this then means they are losing out compared to a gross payment system. The Scheme Administrator should be responsible for material income, as is proposed for the DMO in the DRS consultation.

In general, local authorities are poorly placed to deal with market fluctuations of material prices and budgets have suffered as result of market volatility in the past. Having the surety of EPR payments on a gross basis covering actual costs will enable local authorities to provide consistent levels of service provision. It will also make the payments system from the scheme administrator to local authorities much simpler and efficient without having to calculate and net off material income.

In the event that local authorities keep responsibility for material income, WARWICKSHIRE WASTE PARTNERSHIP strongly believes that the income should be based on actual values and not any reference values. The use of reference values further erodes the concept of full net cost recovery within the system.

WARWICKSHIRE WASTE PARTNERSHIP would support different payment rates based on the different collections systems (i.e. kerbside sort, twin stream, co-mingled) to allow for the

variations that exist at present and ensure local authorities retain the ability to implement the best collection systems for their area and circumstances. There also needs to be consideration to schemes that collect from flats and communal premises as these will have a different cost profile from “standard” kerbside systems. Payments rates for these types of collections will need building into the payment system.

Q44 Do you agree or disagree that the Scheme Administrator should have the ability to apply incentive adjustments to local authority payments to drive performance and quality in the system? (P101)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please detail why you think the ability to apply an incentive adjustment should not apply.

Whilst WARWICKSHIRE WASTE PARTNERSHIP agrees with the principle, it would depend on how the incentive was designed and applied as to whether this had support.

The whole issue of quality is subjective and will need a great deal of work to enable a clear and objective definition to be agreed upon. At present there are comingled systems that are delivering paper and glass to end markets and those end markets are happy with the quality of the material. There are also single stream glass collections that are not delivering into a closed-loop stream but comingled systems that are. In a drive to push material to the highest perceived quality possible, we may be in danger of cutting off viable and valid end markets in favour of only closed loop applications.

The incentive payments need to be seen as genuine incentives and not placed almost as penalties on those authorities that cannot access them even though they collect in a manner which is effective and efficient for their area and circumstances.

Areas with high numbers of flats and communal premises may need additional payments as achieving low contamination is much more challenging.

The system will need to have in place a suitable review or appeals process within it. This would enable the Scheme Administrator to be challenged if it was reasonably felt the incentive system they were putting in place appeared unfair.

Q45 Do you agree or disagree that local authorities should be given reasonable time and support to move to efficient and effective systems and improve their performance before incentive adjustments to payments are applied? (P101)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response.

Whilst WARWICKSHIRE WASTE PARTNERSHIP broadly agrees, there are potentially some significant changes that local authorities will have to make to implement the collection of the core set of materials and other EPR policies. There may well be capacity issues within the waste industry and associated sectors such as collection vehicle and container supply, as well as sorting and reprocessing capability. Data collection and management could also have issues. Each local authority will have a set of circumstances that will influence their ability to change and the speed at which that change can take place. This must be taken into account in terms of the support and time they are given to make the required changes.

Q46 Should individual local authorities be guaranteed a minimum proportion of their waste management cost regardless of performance? (P101)

a. Yes

b. No

c. Unsure

Please provide the reason for your response.

Governments cannot claim to be implementing producer responsibility or the polluter pays principle if the full net costs of collection are being withheld. If a local authority is making the efforts to increase performance in effectiveness and efficiency to the desired level, then they should receive a guaranteed minimum payment. Guaranteed levels would also greatly assist local authorities in their budget planning and setting.

Minimum levels of payment would also help take account of the authorities that are at the edges of their family group and so may find it more difficult to achieve the benchmarked performance for that group.

In the absence of legislation which allows enforcement of recycling, local authorities are limited in what they can achieve and so should not be penalised if residents and business in their area do not comply and hence they cannot achieve expected performance.

Q47 Do you agree or disagree that there should be incentive adjustments or rewards to encourage local authorities to exceed their modelled recycling benchmarks? (P101)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please detail why you think incentive adjustments should not be applied to encourage local authorities to exceed their recycling performance benchmarks?

Warwickshire Waste Partnership believes that producer responsibility means that each local authority should receive the full net costs for delivering their service. If a local authority is exceeding the level of benchmarked performance, then they are already likely to be receiving a higher level of payment. It might also be the case that an authority is seen to be performing well as they have been placed in the wrong benchmarking group. Additional funding should therefore be aimed at those authorities that for legitimate reasons are not achieving the desired level of performance. For funds to be made available to do that, funding cannot be taken from other authorities' full net cost payments.

There is likely to be a role for funding or incentives that promotes innovation and allows collection trials and experiments to take place that could lead to increases in recycling or efficiencies in collection.

Q48 Do you agree or disagree that unallocated payments should be used to help local authorities meet their recycling performance benchmarks, and contribute to Extended Producer Responsibility outcomes through wider investment and innovation, where it provides value for money? (P102)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please detail how you think any unallocated payments to local authorities should be used.

WARWICKSHIRE WASTE PARTNERSHIP supports the principle of supporting local authorities meet their recycling performance benchmarks and contribute to EPR outcomes through wider

investment and innovation. However, WARWICKSHIRE WASTE PARTNERSHIP believes that a fundamental aspect of EPR is that of “full net cost” being applied to dealing with packaging throughout its whole life. If local authorities are receiving their full net costs, then there should not be unallocated payments and so we are concerned that there is a suggestion there may be unallocated payments within a full net cost system. Local authorities should receive their full net costs regardless of their performance. A suitable system should then be introduced that would assist in increasing performance of recycling levels for all authorities, whether their rate is considered high or not. If a system did exist where there were producer funds available after full net costs have been met, then these funds should be used to help local authorities try to achieve performance benchmarks in the first instance.

Q49 Do you agree or disagree that residual payments should be calculated using modelled costs of efficient and effective systems based on the average composition of packaging waste within the residual stream? (P103)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please detail how you think residual waste payments should instead be calculated.

WARWICKSHIRE WASTE PARTNERSHIP disagrees with this concept because there are potential issues regarding what is deemed an “efficient” service and it could mean producers will not have to pay full net costs. There may be value in establishing a theoretical reference cost for each individual local authority as a benchmark, but again, a model will never truly be able to calculate real world costs so there should be no financial penalties for an authority that is not achieving a predicted cost profile for very valid reasons. Rather, support and assistance could be offered to understand why an authority’s costs maybe higher than the benchmark and if anything can be done to improve it.

The large majority of local authority residual disposal services are undertaken by a third party under contract and so have been subject to market forces and competition. Also local authorities are continually finding ways of making their services as efficient as possible. It should be rare that a service is operating in an inefficient manner.

Whilst the use of compositional analysis makes sense, it needs allow for and take account of the various regional and socio-economic differences that impact on local authorities across the UK. As stated in relation to collection costs, WARWICKSHIRE WASTE PARTNERSHIP does not believe that six family groups, or even 9, are wide enough to take account of the level of differences that exist.

Where the residual payment relates to the disposal aspect of packaging there are concerns that modelling will need to be done to a more detailed level than six or nine family groups. Disposal contracts and costs can be influenced by a variety of external factors that the family grouping system may not accommodate. Contracts tend to be let for longer periods, so there will be more historical influences relating to disposal contracts that the potential family grouping system would not pick up on and take account of.

WARWICKSHIRE WASTE PARTNERSHIP would therefore strongly urge that disposal payments take a different approach to the modelling and family group benchmark approach. With far fewer disposal authorities in the UK than there are collection authorities this should be reasonable exercise and system to implement by the time payments are due to start in October 2023. Any

additional work involved in this, such as waste compositional analysis, would need to be funded through producer payments.

Q50 Do you agree or disagree that a disposal authority within a two-tier authority area (England only) should receive the disposal element of the residual waste payment directly? (P103)

a. Agree

b. Disagree

c. Neither agree nor disagree

*WARWICKSHIRE WASTE PARTNERSHIP agrees with the principle of payments being made to the tier of authority that incurs the relevant costs. Where the authority incurs costs related to disposal, they should receive that payment, and likewise for collection. Any payments relating to sorting and transfer should also be paid to the authority that has arranged the service and incurs the costs associated with it. Under the EPR system there should be no passporting of EPR collection and disposal payments between tiers of authority.

Q51 Do you agree or disagree that there remains a strong rationale for making producers responsible for the costs of managing packaging waste produced by businesses? (P109)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response.

WARWICKSHIRE WASTE PARTNERSHIP believes that including packaging waste produced by businesses is appropriate under EPR and the concept of the polluter pays principle. It would also help to achieve national recycling targets as well as delivering wider environmental and carbon benefits.

Increased home working because of the Covid pandemic has diverted some household-like waste packaging from businesses to domestic disposal systems. Including packaging waste produced by businesses would allow local authorities to provide efficient and effective collections to businesses utilising the infrastructure provided for household packaging waste management, helping to reduce the collection cost for producers, the associated carbon impacts and helping drive the change to packaging that is easily recycled.

Including packaging waste produced by businesses would simplify treatment and accounting at processing and recycling facilities where material origins are not clear.

Q52 Do you agree or disagree that all commercial and industrial packaging should be in scope of the producer payment requirements except where a producer has the necessary evidence that they have paid for its management directly? (P111)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response.

WARWICKSHIRE WASTE PARTNERSHIP believes more detail is required on what is considered "necessary evidence". There needs to be suitable processes in place to prevent creating a loophole that allows a producer to avoid the "polluter pays" principle and their obligations under EPR.

Q53 Which approach do you believe is most suited to deliver the outcomes being sought in paragraph 8.84? (P115)

a. Option 1

b. Option 2

c. Option 3

d. All could work

e. I do not know enough to provide a view

*WARWICKSHIRE WASTE PARTNERSHIP does not support option three. There is not enough detail to make an informed opinion and fully consider all the relevant aspects to decide between options one and two. This is concerning given the large role that local authorities have in collecting business waste.

Q54 Do you disagree strongly with any of the approaches above? (P115)

a. Yes

b. No

c. Unsure

If you answered 'yes', please explain which and provide your reason.

Warwickshire Waste Partnership does not support option three; it would be the most difficult for local authority trade waste services to implement.

Warwickshire Waste Partnership has concerns regarding the operation and management of all three options as they are presented and with the limited detail available.

When added together, local authority trade waste services have a large market share. Each authority serves many local business customers, requiring resources to provide the associated financial and customer service elements of running this service.

The consultation proposals focus on medium and large businesses customers, that would be expected to have standard regular collections and the space to house a variety of containers. This is not representative of the typical local authority trade waste customer. They may have bag collections, more regular collections and little space to store or segregate waste prior to collection.

Q55 Do you think there will be any issues with not having either Packaging Recovery Notes/Packaging Export Recovery Notes or the business payment mechanism (and as a result recycling targets) in place for a short period of time? (P119)

a. Yes

b. No

c. Unsure

If you answered 'yes', please detail what issues you think there will be.

The PRN system has proved to lack transparency and so WARWICKSHIRE WASTE PARTNERSHIP would oppose any continued use of PRNs, even for an interim time.

However, it is often claimed that PRNs support material prices, although the lack of transparency in the system makes this hard to verify. If the PRNs are removed before full net cost payments are made to local authorities, then there will need to be measures in place to ensure that any material income to local authorities is maintained at existing levels.

Q56 Do you agree or disagree with the proposal to introduce a sampling regime for packaging waste as an amendment to the MF Regulations in England, Wales and Scotland and incorporation into new or existing regulations in Northern Ireland? (P123)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please detail why you think the proposed sampling regime for packaging waste should not be incorporated as an amendment to MF Regulations in England, Wales and Scotland and incorporated into new or existing regulations in Northern Ireland?

WARWICKSHIRE WASTE PARTNERSHIP believes that careful consideration will need to be given to the design of the sampling protocol. It needs to be designed in a way that is fair to both collectors and reprocessors. This means there needs to be clear definitions in place for non-target material that is an operational concern but does not impact material quality, and genuine contamination that then impacts on material quality. The protocol should not be designed in a way that leaves loopholes that will reduce or remove justifiable payments to local authorities and other waste collectors.

Q57 Do you agree or disagree with the proposal to require all First Points of Consolidation to be responsible for sampling and reporting in accordance with a new packaging waste sampling and reporting regime? (P124)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please detail who you think should be required to meet the packaging sampling and reporting regime for Extended Producer Responsibility purposes?

If a first point of consolidation is a transfer station that only deals with household waste from one local authority and no sorting is undertaken, then WARWICKSHIRE WASTE PARTNERSHIP believes that such a facility should not be considered the first point of consolidation. WARWICKSHIRE WASTE PARTNERSHIP would question whether it was reasonable to sample waste at a facility in those circumstances rather than at the MRF where these materials were being transported on to and where sampling infrastructure is already in place.

WARWICKSHIRE WASTE PARTNERSHIP would like to see further work done on what is reasonable to consider a first point of consolidation.

Q58 Do you agree or disagree that the existing MF Regulations' de-minimis threshold of facilities that receive 1000 tonnes or more per annum of mixed waste material would need to be removed or changed to capture all First Points of Consolidation? (P124)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please detail why you think a de-minimis threshold is required.

It should be recognised that the costs of sampling of smaller facilities will be proportionally bigger than for large MRFs and that the full costs of sampling will need to be covered by producer payments.

Q59 Do you think the above list of materials and packaging formats should form the basis for a manual sampling protocol? (P126)

a. Yes

b. No

c. Unsure

If you answered 'no', what other materials, format categories or level of separation should be included as part of the manual sampling protocol?

It may be advantageous to include materials that may fall within EPR in the future, such as film and flexibles. It might also help to include disposal paper cups as one way in which the performance of in-store takeback can be assessed.

Q60 Do you think it is feasible to implement more rigorous sampling arrangements, as suggested above, within 6-12 months of the regulations being in place? (P126)

a. Yes

b. No

c. Unsure

If you answered 'no', please provide the reason for your response and detail what should be considered in determining an appropriate implementation period.

While WARWICKSHIRE WASTE PARTNERSHIP believes it may be feasible within 12 months, this would depend on the level of sampling required and any changes needed at sorting sites to accommodate the new sampling regime.

Q61 Do you think visual detection technology should be introduced from 2025 to further enhance the sampling regime? (P127)

a. Yes

b. No

c. Unsure

If you answered 'no', please detail why you think it should not be considered as a medium to long-term method of sampling?

WARWICKSHIRE WASTE PARTNERSHIP would need to see the results of the further research into these sampling methods before it felt able to say with certainty that this technology could be used from 2025. Any systems and technology that make the sampling regime both more effective and more efficient should be explored and introduced if they are cost effective.

There will need to be proof that the level of accuracy and performance is to a consistent and acceptable level before it is introduced. The impacts on possible sorting capacity and throughput will also need to be considered.

Q62 Do you think existing packaging proportion protocols used by reprocessors would provide a robust and proportionate system to estimate the packaging content of source segregated materials? (P128)

a. Yes

b. Yes, with refinement

c. No

d. Unsure

If you answered 'no', please detail why you think these would not be suitable to use to determine the packaging content in source segregated material.

Source segregated material in this instance would need clearer definition. For example, nearly all source segregation collections have mixed cans and plastics which need further sorting and so will probably need to undergo some sort of sampling as well. WARWICKSHIRE WASTE PARTNERSHIP would be concerned with any system that is carried over to the new EPR system that had links with the PRN system given the shortcomings that the PRN system had.

Q63 Do you agree or disagree that minimum output material quality standards should be set for sorted packaging materials at a material facility? (P128)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response.

Whilst WARWICKSHIRE WASTE PARTNERSHIP agrees with the principle of setting output material quality standards, they need to be carefully designed. They should not be used by reprocessors as a means to pass elements of their costs down the chain to MRFs and collectors. It may be

unrealistic in some circumstances for material to be presented to reprocessors as they would ideally want it.

There have been examples where reprocessors have pushed for providers to supply materials at a higher quality than they need, even though they have processes in place to take material of a different composition. It needs to be recognised that there are many markets for the same materials. They can all have a role to play in increasing recycling levels of packaging and it is not just the perceived “high quality” end markets that all material should aim for, as this is unrealistic and not viable.

Q64 Do you agree or disagree that material facilities that undertake sorting prior to sending the material to a reprocessor or exporter should have to meet those minimum standards in addition to just assessing and reporting against them? (P129)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response.

Whilst WARWICKSHIRE WASTE PARTNERSHIP agrees with the principle of meeting minimum output material quality standards, they need to be carefully defined. They should not be used by reprocessors as a means to pass elements of their costs down the chain to MRFs and collectors. It may be unrealistic in some circumstances for material to be presented to reprocessors as they would ideally want it.

There have been examples where reprocessors have pushed for providers to supply materials at a higher quality than they need, even though they have processes in place to take material of a different composition. It needs to be recognised that there are many markets for the same materials. They can all have a role to play in increasing recycling levels of packaging and it is not just the perceived “high quality” end markets that all material should aim for, as this is unrealistic and not viable.

Q65 Do you think any existing industry grades and standards could be used as minimum output material quality standards? (P129)

a. Yes

b. No

c. Unsure

If you answered ‘yes’, please provide evidence of standards you think would be suitable for use as minimum output material standards.

Q66 Do you agree or disagree that local authority payments should be made quarterly, on a financial year basis? (P132)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response and/or suggest any alternative proposals.

Q67 Do you agree or disagree that household and business packaging waste management payments should be based on previous year’s data? (P132)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide any concerns you have with the proposed approach and/or any alternative proposals.

Whilst WARWICKSHIRE WASTE PARTNERSHIP would suggest that payments are made on data that is more recent, this will not then always take account of seasonality impacts on waste production and packaging consumption. It is also the case that currently it takes over 6 months for the data in Waste Data Flow to be fully validated and published.

WARWICKSHIRE WASTE PARTNERSHIP suggests the concept of a rolling 12-month data set is explored. This would take into account seasonal data much better. Only if such a concept cannot be made into a workable solution should the previous year's data be used.

Litter Payments

Q68 Do you agree or disagree that the costs of litter management should be borne by the producers of commonly littered items based on their prevalence in the litter waste stream as determined by a composition analysis which is described in option 2? (P137)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response and/or provide an alternative approach to litter management costs being based on a commonly littered basis.

WARWICKSHIRE WASTE PARTNERSHIP supports this concept but would like more detail on how obligations might be assessed using compositional analysis.

Compositional analysis will need take account of seasonal variations and variations in daytime and night-time economies. There are also places that are affected by litter from events. These aspects would need to be factored into any calculations on producer obligations.

Q69 In addition to local authorities, which of the following duty bodies do you agree should also receive full net cost payments for managing littered packaging? Selecting multiple options is allowed. (P140)

a. Other duty bodies

b. Litter authorities

c. Statutory undertakers

d. None of the above

e. Any other(s) - please specify.

Options a-c are unclear in their definition which is why WARWICKSHIRE WASTE PARTNERSHIP has selected "other". If full net costs payments are extended beyond local authorities it should only be to bodies that have a statutory duty to clear litter from publicly accessible land.

WARWICKSHIRE WASTE PARTNERSHIP thinks that voluntary group payments are best suited to being made by local authorities from the payments they receive under EPR as part of the wider litter management responsibilities of local authorities.

Q70 Do you agree or disagree that producers should contribute to the costs of litter prevention and management activities on other land? (P140)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response.

WARWICKSHIRE WASTE PARTNERSHIP thinks that the contribution should be extended to other land, although this would need clear definition.

Within the litter payments there would need to be a distinction between littering and fly-tipping that falls under the payments remit and fly-tipping that does not.

Q71 Do you agree or disagree that local authority litter payments should be linked to improved data reporting? (P141)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please detail why you think litter payments should not be linked to improved data reporting.

Whilst WARWICKSHIRE WASTE PARTNERSHIP supports the use of improved data, the process for collecting that data must be efficient and be able to be applied consistently across all local authority areas. It also needs to be designed in such a way that does not disadvantage or advantage any particular type of local authority.

It can be difficult to record exactly what items and materials have been littered when it is mixed in with other things. There also needs to be a clear definition between litter and fly tipping to ensure consistent reporting, as it is acknowledged there are probably differences in reporting across local authorities at present.

Therefore, more detail is needed on the level of reporting, the systems involved and the process for collating data before a more informed view can be taken on this aspect of EPR policy.

Any changes in data reporting would be as a result of the EPR policy, so therefore any costs associated with changes in data reporting must fall within the remit of the litter payments.

There needs to be balance between improved data reporting and the costs and efforts associated with collecting, processing and collating it. Packaging, whilst a litter problem, is not the sole component of litter and so EPR litter payments will only relate to a proportion of litter costs.

Q72 Do you agree or disagree that payments should be linked to standards of local cleanliness over time? (P141)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response.

WARWICKSHIRE WASTE PARTNERSHIP is concerned about this proposal. Some local authorities experience higher levels of litter that the local authority does not have the power to influence. Any system of payments linked to cleanliness would need to be sophisticated enough to take this into account. Fair groupings regarding cleanliness standards are likely to differ from the groupings for packaging collection. Other land use types, such as university or railway line can impact on an area's cleanliness and yet a local authority has no control over this.

Local authorities have control over what, when and how they clear up litter, but little control in whether an item is littered in the first place. This requires a big change in public behaviour. Littering is still a problem in places where money has been invested in communications and behaviour change campaigns over a number of years. To then expect local authorities to change

citizen behaviour is unrealistic without radical new measures and policies in place, over and above those outlined in EPR.

The issue of the cost involved in monitoring and reporting standards is a concern to the WARWICKSHIRE WASTE PARTNERSHIP and these would need to be included within the litter payments.

In the past, as part of the Best Value Performance Indicator system, local authorities used to monitor and report on cleanliness standards (BVPI 199). This was time consuming and also contained a large element of subjectivity. Whilst this might have been acceptable for performance standards, when there are payments linked to this, there would need to be a much more robust process in place and WARWICKSHIRE WASTE PARTNERSHIP has concerns that such a system can be implemented.

Packaging is only a portion of all litter and so this process, if instigated, would need to be able to differentiate between packaging cleanliness standards and non-packaging cleanliness standards.

As with a lot of the questions in the consultation there is not enough detail to support this proposal. There could be support for payments linked to cleanliness if the detail of how this would be done and to what extent was known. Such a system would need to take account of the points made above and be reasonable and fair for each local authority area and not used as a means by which producer funds could be held back from local authorities, thereby reducing producer costs.

Scheme Administration and Governance

Q73 Do you agree or disagree that the functions relating to the management of producer obligations in respect of household packaging waste and litter including the distribution of payments to local authorities are managed by a single organisation? (P147)

a. Agree

b. Disagree

c. Neither agree nor disagree

*WARWICKSHIRE WASTE PARTNERSHIP supports this proposal. It is the cleanest, simplest and most efficient way to manage payments to all the local authorities across the UK.

Q74 Overall which governance and administrative option do you prefer? (P147)

a. Option 1

b. Option 2

c. Neither option 1 nor option 2

Please provide the reason for your response.

Warwickshire Waste Partnership believes that the creation of a central body allows for strategic oversight that will be beneficial to developing end markets, collection, improved packaging design and higher recycling. It would be a huge benefit for local authorities to only deal with one organisation, as in option 1; there would be no procurement or contracting issues. Option 1 has a level of simplicity and clarity would be very beneficial not just to LAs but the system as a whole. The fact that this model reduces the need to issue evidence and so cuts out the market aspect and trading, is a move to a simpler system that should be a benefit to producers and others. Other market areas and activities can bring about efficiencies for producers meeting their obligations. There must be efficiencies in running a single body as opposed to numerous compliance schemes alongside a single body.

Option 1 also addresses a failing within the current PRN system of reprocessors not being required to issue PRNs, resulting in inaccurate data and on occasions exaggerated costs for compliant organisations. Requiring all exporters and reprocessors of packaging waste to seek accreditation and to report centrally all tonnage data will ensure transparency across the supply chain and ensure that accurate data is used to inform service updates, target setting and overall compliance. WARWICKSHIRE WASTE PARTNERSHIP think that local government should be involved in the governance of the single body and that it should not be a purely producer-managed organisation. We believe it will strengthen the relationships between producers and local authorities and enable the single body to have insight into indispensable local authority operations that will aid its decision making and efficient use of funds.

Option 1 also ensures that local authorities who collect trade waste will have certainty that they will receive payments from one organisation. A concern for local authorities regarding option 2 is that they will receive payments for household waste from the single body, but payments for household-like trade waste from a variety of compliance schemes.

WARWICKSHIRE WASTE PARTNERSHIP thinks that there are some general principles and ways of working that they believe should be present regardless of the model selected.

- Any model must avoid the evidence stockpiling and profiteering that we have witnessed under the current system.
- The model must have full net cost recovery at its heart and so a suitable level of funds must be captured from producers to ensure full costs flow to those collecting the materials.
- The systems within a model relating to “evidence” and payments must be as simple and transparent as possible.
- The model chosen should not introduce undue burdens on local authorities, especially if these are then not included in the funding.
- The cashflow is critical to local authorities: a system whereby they get too far in arrears is not feasible.
- There cannot be a situation where there is a shortfall in the funds producers pay into the costs of local authorities.

If Option 2 were to go forward, WARWICKSHIRE WASTE PARTNERSHIP would expect to see payments to local authorities for both household waste and household-like waste administered by the single body. Having a disjointed system whereby local authorities have payments for household waste from a single body and payments for household-like from compliance schemes will add inefficiency to the system and increase administrative costs and account management costs to local authorities which they may not be able to get back under producer payments.

Q75 How do you think in-year cost uncertainty to producers could be managed? (P149)

- a. A reserve fund
- b. In-year adjustments to fees
- c. Giving individual producers flexibility to choose between options 1) and 2)
- d. No preference
- e. Need more information to decide

Q76 Under Option 1, does the proposed initial contract period of 8-10 years (2023 to 2030/32) provide the necessary certainty for the Scheme Administrator to adopt a strategic approach to the management and delivery of its functions and make the investments necessary to deliver targets and outcomes? (P150)

- a. Yes

- b. No
- c. Unsure

If you answered 'no', please detail what you think would be an appropriate contract length.

Q77 Under Option 2, does the proposed initial contract period of 8-10 years (2023 to 2030/32) provide the necessary certainty for the Scheme Administrator to adopt a strategic approach to the management and delivery of its functions and make the investments necessary to deliver targets and outcomes? (P150)

- a. Yes
- b. No
- c. Unsure

If you answered 'no', please detail what you think would be an appropriate contract length.

WARWICKSHIRE WASTE PARTNERSHIP does not support option 2.

Q78 Do you agree or disagree with the timeline proposed for the appointment of the Scheme Administrator? (P153)

- a. Agree
- b. Disagree
- c. Neither agree nor disagree

If you disagree, please provide the reason for your response.

Whilst WARWICKSHIRE WASTE PARTNERSHIP agrees with the ambition of the timetable, it is still challenging and also leaves several challenges for the Scheme Administrator after it is appointed to meet the longer timetable for collecting producer fees and starting local authority payments.

Q79 If the Scheme Administrator is appointed in January 2023 as proposed, would it have sufficient time to mobilise in order to make payments to local authorities from October 2023? (P153)

- a. Yes
- b. No - from workshop one
- c. Unsure

If you answered 'no', please provide the reason for your response.

WARWICKSHIRE WASTE PARTNERSHIP are keen to see the October 2023 implementation date achieved, but the timetable is challenging. There will be a need for training of local authority finance officers. Any costs associated with this will need to be part of the EPR payments to local authorities.

Q80 Do you agree or disagree with the approval criteria proposed for compliance schemes? (P156)

- a. Agree
- b. Disagree
- c. Neither agree nor disagree

If you disagree, please provide the reason for your response.

Q81 Should Government consider introducing a Compliance Scheme Code of Practice and/or a 'fit and proper person' test? (P156)

- a. A Compliance Scheme Code of Practice
- b. A 'fit and proper person' test for operators of compliance schemes
- c. Both
- d. Neither

e. Unsure

Please provide the reason for your response.

Q82 Do you agree or disagree with the proposed reporting requirements for Option 1? (P157)

a. Agree

b. Disagree

c. Neither agree nor disagree

Q83 Do you agree or disagree with the proposed reporting requirements for Option 2? (P157)

a. Agree

b. Disagree

c. Neither agree nor disagree

Reprocessors and Exporters

Q84 Do you agree or disagree with the proposal that all reprocessors and exporters handling packaging waste will be required to register with a regulator? (P164)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response and detail any exemptions to the registration requirement that should apply.

Q85 Do you agree or disagree that all reprocessors and exporters should report on quality and quantity, of packaging waste received? (P164)

a. Agree

b. Disagree

c. Neither agree nor disagree

**WARWICKSHIRE WASTE PARTNERSHIP thinks that there needs to be a clearly defined and real-life approach to quality measurement and not an excuse to try to gold-plate material standards that has the impact of pushing costs down the chain where they cannot be met or recovered. The measurement of quality needs to take into account the variety of end markets and applications accessible to packaging materials.*

Q86 What challenges would there be in reporting on the quality of packaging waste received at the point of reprocessing and/or export? (P164)

Please provide specific detail on any processes, measures and/or costs that would be necessary to address these challenges.

Reporting accurately on quality and quantity of packaging is key to ensuring the success of the scheme and flow of payments. Robust systems will need to be put in place in order that this is achieved. There is already concern around the current PERN system in that packaging that is of poor quality is being classed as recycled but may not be in reality, either totally or large proportions of it.

Q87 Do you think contractual arrangements between reprocessors and material facilities or with waste collectors and carriers are a suitable means for facilitating the apportionment and flow of recycling data back through the system to support Extended Producer Responsibility payment mechanisms, incentives and targets? (P164)

a. Yes

b. No

c. *Unsure*

If you answered 'no', please provide the reason for your response and suggest any alternative proposals for using the quantity and quality data reported to support payments, incentives and targets.

There are likely to be different data needs and systems in place under the EPR scheme than there are now. The current contact arrangements may not be sufficient to provide the levels of reporting that are expected. Any data systems that are brought in to meet EPR requirements will need to have their implementation costs and ongoing costs covered by producer payments.

Q88 Do you agree or disagree that exporters should be required to provide evidence that exported waste has been received and processed by an overseas reprocessor? (P165)

a. **Agree**

b. *Disagree*

c. *Neither agree nor disagree*

If you disagree, please detail why you think exporters should not have to provide this evidence.

Q89 Do you agree or disagree that only packaging waste that has achieved end of waste status should be able to be exported and count towards the achievement of recycling targets? (P165)

a. **Agree**

b. *Disagree*

c. *Neither agree nor disagree*

If you disagree, please detail why you think it would not be necessary for waste to meet end of waste status prior to export.

Q90 Do you agree or disagree that there should be a mandatory requirement for exporters to submit fully completed Annex VII forms, contracts and other audit documentation as part of the supporting information when reporting on the export of packaging waste? (P165)

a. **Agree**

b. *Disagree*

c. *Neither agree nor disagree*

If you disagree, please detail why you think these additional registration requirements on exporters are not required.

Q91 Do you agree or disagree that regulators seek to undertake additional inspections of receiving sites, via 3rd party operators? (P165)

a. **Agree**

b. *Disagree*

c. *Neither agree nor disagree*

If you disagree, please detail why you think it would not be necessary to undertake additional inspections and provide any alternative arrangements which could be implemented.

Compliance and Enforcement

Q92 Do you agree or disagree with the proposed approach to regulating the packaging Extended Producer Responsibility system? (P169)

a. **Agree**

b. *Disagree*

c. Neither agree nor disagree

If you disagree, please detail any perceived problem or issues with the proposed regulation of the system and provide comments on how the system could be regulated more effectively.

There is a concern that the regulators will not have the resources needed to undertake these new inspection and enforcement duties. Thought needs to be given as to how the right level of resources can be provided to ensure the system is suitably regulated.

Q93 Do you have further suggestions on what environmental regulators should include in their monitoring and inspection plans that they do not at present? (P169) **No**

Q94 In principle, what are your views if the regulator fees and charges were used for enforcement? (P171)

Agreed

Q95 Would you prefer to see an instant monetary penalty for a non-compliance, or another sanction as listed in 12.26, such as prosecution? (P171)

Sanctions need to be relevant to the action that has triggered them and set at a level that acts as a deterrent. Regulators may need a suite of sanctions at their disposal within the EPR system.

Implementation Timeline

Q96 Do you agree or disagree with the activities that the Scheme Administrator would need to undertake in order to make initial payments to local authorities in 2023 (as described above under Phase 1)? (P176)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response.

Q97 Do you think a phased approach to the implementation of packaging Extended Producer Responsibility, starting in 2023 is feasible and practical? (P176)

a. Yes

b. No

c. Unsure

If you answered 'no', please provide the reason for your response and detail any practical issues with the proposed approach.

Q98. Do you prefer a phased approach to implementing Extended Producer Responsibility starting in 2023 with partial recovery of the costs of managing packaging waste from households or later implementation, which could enable full cost recovery for household packaging waste from the start? (P176)

a. Phased approach starting in 2023

b. Later implementation

c. Unsure

Please provide the reason for your response.

WARWICKSHIRE WASTE PARTNERSHIP understands that the timeline for having a phased approach in 2023 is challenging. However, we would want to see producer payments being made at the earliest opportunity.

Q99 Of the options presented for reporting of packaging data for 2022 which do you prefer? (P179)

a. Option 1

b. Option 2

c. Neither

If you answered 'neither', please suggest an alternative approach.

Whilst WARWICKSHIRE WASTE PARTNERSHIP has indicated a preference for option 2, as we believe this is the most complete reporting method, there is a concern that by doing this there could be over-reporting of self-managed waste in order to reduce producer payment levels. WARWICKSHIRE WASTE PARTNERSHIP would want assurances that a rigorous compliance and review process was in place that mitigated against this risk and ensured accurate reporting of packaging data.

Q100 Are there other data required to be reported by producers in order for the Scheme Administrator to determine the costs to be paid by them in 2023? (P179)

a. Yes

b. No

c. Unsure

If you answered 'yes', please detail which datasets will be needed.

Annex One

Q101 Which of the definitions listed above most accurately defines reusable packaging and could be applied to possible future reuse/refill targets or obligations in regulations. (P187)

a. Definition in The Packaging (Essential Requirements) 2015

b. Definition in The Packaging and Packaging Waste Directive (PPWD)

c. Definition adopted by The UK Plastic Pact/The Ellen MacArthur Foundation

d. None of the above

If you think none of these definitions accurately define reuse/refillable packaging please provide the reason for your response, including any suggestions of alternative definitions for us to consider.

Q102 Do you have any views on the above listed approaches, or any alternative approaches, for setting reuse and refill targets and obligations? (P189)

Please provide evidence where possible to support your views.

WARWICKSHIRE WASTE PARTNERSHIP would support measures that increase the amount and use of refillable and reusable packaging. These measures need to be considered in relation to the possible impacts on the packaging that might then be displaced from the current collection systems and how this affects their operation and efficiency.

Q103 Do you agree or disagree that the Scheme Administrator should proactively fund the development and commercialisation of reuse systems? (P189)

a. Agree

b. Disagree

c. Neither agree nor disagree

Please provide the reason for your response.

With reuse standing above recycling in the waste hierarchy, it is appropriate that reuse systems are explored and expanded. This must be done on the basis that they create environmental benefits and embrace the underlying principles of the circular economy.

Q104 Do you agree or disagree that the Scheme Administrator should look to use modulated fees to incentivise the adoption of reuse and refill packaging systems? (P189)

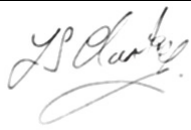
a. Agree

b. Disagree

c. Neither agree nor disagree

Please provide the reason for your response.

Modulated fees, if designed well, will drive better environmental performance of packaging.

CONSENT TO URGENT DECISION		PART 1 (to be completed by the person seeking consent)	
Proposed Decision Maker <i>(please name person or body proposing to take decision, if an officer also state title)</i>			Date for Decision
Cllr Heather Timms – portfolio holder for Environment, Climate and Culture			
Title: Response to two DEFRA resources and waste strategy consultations: 1.Extended Producer Responsibility 2.Deposit Return Scheme			
Summary of matter The Warwickshire Waste Partnership senior officers group have produced a response to the two consultations through collaborative discussion. These both potentially have very favourable outcomes for waste management, the environment, and climate change, across Warwickshire, if the regulations are enacted along the lines of the proposals. Extended Producer Responsibility for packaging will provide local authorities with full net costs for the management of municipal packaging waste – collection, sorting, recycling, treatment and disposal of all waste arising from kerbside collections, HWRCs and litter. Deposit Return Scheme for beverage containers has the potential to reduce litter, improve capture for recycling and improve quality of material for recycling.			
Proposed Decision The portfolio holder agrees to the submission to DEFRA of the two consultation responses attached in Appendix A on behalf of the County Council and the Warwickshire Waste Partnership.			
Reasons for urgency The deadline for response to the consultations falls just days after the Council meeting to decide portfolio holder positions. Cllr Timms is aware of the need for the decision.			
Would the recommended decision be contrary to the Budget and Policy Framework? <i>[please identify relevant plan/budget provision]</i>			
No			
PART 2 (to be completed by the person giving consent)			
Name	Councillor Jeff Clarke		
Office Held	Chair of Communities Overview and Scrutiny Committee		
			
Date consent is given	27/5/21		

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