

**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**

<b>Lead Member</b>	<b>Councillor Heather Timms</b>
<b>Date of decision</b>	<b>2<sup>nd</sup> June 2021</b>
	<b>Signed</b>

**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.

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<b>Lead Member</b>	Councillor Heather Timms

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