

WASTE AND RECYCLING COMMITTEE

Date: 12 September 2019

Subject: Consultation Response and Next Steps

Report of: Sarah Mellor, Head of Sustainable Consumption and Production

PURPOSE OF REPORT

The purpose of the report is to provide the committee with responses to the Government's four consultations along with their proposed next steps.

RECOMMENDATIONS:

That the Committee considers and notes the report.

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BACKGROUND PAPERS:

All responses to the four consultations can be found here:

Consistency in Household and Business Recycling Collections in England:

<https://www.gov.uk/government/consultations/waste-and-recycling-making-recycling-collections-consistent-in-england/outcome/consistency-in-recycling-collections-in-england-executive-summary-and-government-response>;

Reforming the Packaging Producer Responsibility System:

www.gov.uk/government/consultations/packaging-waste-changing-the-uk-producer-responsibility-system-for-packaging-waste

Introducing a Deposit Return Scheme (DRS) for England, Wales and Northern Ireland:

www.gov.uk/government/consultations/introducing-a-deposit-return-scheme-drs-for-drinks-containers-bottles-and-cans

Plastic Packaging Tax:

www.gov.uk/government/consultations/plastic-packaging-tax

TRACKING/PROCESS	
Does this report relate to a major strategic decision, as set out in the GMCA Constitution (paragraph 14.2) or in the process (paragraph 13.1 AGMA Constitution) agreed by the AGMA Executive Board:	No
EXEMPTION FROM CALL IN	
Are there any aspects in this report which means it should be considered to be exempt from call in by the GMCA Overview and Scrutiny on the grounds of urgency?	N/A

1. INTRODUCTION

1.1 On 18th December 2018 the Government published its long awaited 'Our Waste, Our Resources: A Strategy for England', which in the main sets out the Government's interpretation of the European Union's (EU) Circular Economy (CE) package (EUCEP).

1.2 Four consultations were released on 18th February 2019, covering:

- Plastic Packaging Tax;
- Extended Producer Responsibility (EPR);
- Deposit Return Scheme (DRS); and
- Consistent Collections.

1.3 The consultation deadlines were 12th May 2019 for the Plastic Packaging Tax and 13th May 2019 for the rest of the consultations. The responses were approved through a delegated decision undertaken by the Chair of the Committee and Executive Director, Waste and Resources.

1.4 At the last committee meeting, Members received details of the Authority's response to the consultations. Since that meeting, Defra have published a summary of all responses along with the next steps they intend to take.

1.5 This report provides a summary to those consultations.

2. DEPOSIT RETURN SCHEME (DRS)

2.1 1,180 responses were received to the DRS consultation, which covered six themes.

2.2 Basic Principles for a DRS

84% agreed with the eight principles detailed in the consultation document. In terms of the local authorities (LAs) two thirds agreed, 17% stated they did not know or didn't have enough information, 11% did not agree or disagree and 5% disagreed. Of those who disagreed, they questioned the need for DRS and the potential loss of revenue for LAs.

2.3 Scope of DRS, including materials & drinks the scheme will cover

Bottles and Cans: Between 84-94% agreed with PET & HDPE bottles, aluminum and steel cans and glass bottles being in scope of the DRS. 73% agreed to the inclusion of Tetra Pak[®], whilst 61% agreed to pouches and sachets. However, of the manufacturing industry responses only 18% felt Tetra Pak[®] should be included, as concerns were raised regarding the costs associated with manufacturing along with the costs of processes required to recycle the materials.

2.4 Drinks

The response to drinks were as follows:

Drink	Yes (all)	Yes (some)	No
Water	57%	26%	3%
Soft drinks (excluding juices)	58%	26%	2%
Juices (fruit and vegetable)	57%	25%	3%
Alcoholic drinks	62%	27%	4%
Milk containing drinks	57%	27%	8%
Plant-based drinks	48%	25%	11%
Milk	43%	22%	23%

2.5 Disposable Single Use Cups

Two thirds of respondents were in favour of all types of disposable cups being included in a DRS.

2.6 Type and Size of Drinks in Scope

There were two options to consider within the scope, 'all in' or 'on the go' (containers under 750mls).

In terms of an 'all in' scheme, the main focus of questions were surrounding whether containers of a certain size should be excluded. These questions received mixed responses, 51% stated that containers such as beer kegs and water cooler containers should be excluded, however 49% stated there should be no maximum size cut-off.

The 'on the go' questions focused on the definition that 750ml or under should be within the 'on the go' DRS and it should exclude multi-pack containers. 52% of respondents agreed with the definitions that containers should be less than 750mls, however 59% of respondents disagreed that multi-pack containers should be excluded.

With regards to which scheme was preferred, 69% of respondents preferred the introduction of an 'all in' scheme, however the Government noted that LAs had argued that the implementation of a DRS should be deferred until there was a better understanding of the long term impacts of Extended Producer Responsibility (EPR).

2.7 Next Steps

Based on the responses and subject to further analysis on the costs and benefits, Defra is looking to move forward on an 'all in' DRS. The scheme potentially will be for drink containers up to 3 litres volume, but this is still subject to additional evidence and further stakeholder engagement. The proposed scope and model of the DRS will be presented for a second consultation in 2020 with a view to implementing in 2023.

3 PLASTIC PACKAGING TAX

3.1 436 responses were received for the proposed new tax, which will take effect from April 2022.

3.2 Defining Plastic in Scope

Most of the respondents agreed with the Government's suggested definition on both packaging and plastics that should be in scope.

3.3 Setting the Tax Rate

Having received mixed responses, the Government will further consider which approach (fixed or varied) will best support the objectives of the tax.

3.4 Liability for Tax

The majority of responses supported charging the tax at the point of production. The Government acknowledged that there were also strong views in favour of including filled imports in the scope of the tax.

3.5 Ensuring Compliance

Respondents generally supported the proposals on ensuring compliance and the Government have indicated that they will continue to develop the proposal further.

3.6 Next Steps

The Government will continue to develop the new tax and will set out the next steps at Budget 2019. A further technical consultation will be published at a later date and they will publish, for consultation, draft legislation in 2020.

4. PACKAGING PRODUCER RESPONSIBILITY SYSTEM

4.1 703 responses received which, the majority, supported the principles and outcomes of the proposed system, which will be introduced in 2023.

4.2 Key Principles and Outcomes of a Packaging EPR system

80% expressed support for the nine principles and five outcomes proposed for the packaging EPR scheme. The Government have confirmed that they will continue to refine the underpinning principles and outcomes of the reformed system.

4.3 Definition of Full Net Cost Recovery

Whilst only 56% agreed with the proposed definition of full net cost recovery, the government have stated that they are minded to progress with the definition but will undertake further work to determine the scale and associated costs of managing packaging waste that is generated 'on the go' and is littered.

4.4 Fees and Incentives

The responses contained strong support to incentivising better packaging design through EPR, there were mixed thoughts on the best mechanism to achieve this. To inform further development, the Government have commissioned a research project to consider both approaches in more detail.

4.5 Supporting improved collections and infrastructure

The majority of respondents agreed that payments to LAs for collecting and managing household packaging waste should be based on provision of collection services that meet any minimum requirement (by nation) and the collection of a common set of packaging materials.

In relation to disposable cups, the majority of respondents favoured maintaining voluntary measures in the short term.

4.6 Mandatory labelling of packaging and improved communications

Very strong support was received from respondents for using producer fees for communications campaigns on both national (90%) and local (88%) level.

Mandatory labelling also received very strong support (90%) for a mandatory obligation on producers to label their packaging as recyclable and not recyclable. Given the strong support, the Government are minded to take forward their proposal for a mandatory labelling scheme.

4.7 Next Steps

The next steps for the Government is to seek to take primary powers in the Environment Bill to enable the new EPR to be implemented. A further consultation on more detailed proposals are anticipated in 2020.

5. **CONSISTENCY IN RECYCLING COLLECTIONS**

5.1 1,713 responses (1,182 – Individuals, 531 – organisations) were received to the consistency in recycling collections consultation, which covered 20 proposals. This report does not cover the proposals (link to full report is contained in the background papers).

5.2 Dry Recyclables

Over 95% of all respondents agreed that LAs should collect a core set of materials for recycling. Given the support for greater consistency the Government will seek to amend legislation to require all English LAs from 2023 to collect the following; glass bottles & containers, paper & card, plastic bottles, plastic tubs, tubs & trays and steel & aluminum tins and cans.

5.3 Separate Food Waste Collection

68% of LAs (80% individuals/72% organisations) agreed that food waste should be collected at least once a week. In light of this, the Government are planning to legislate to ensure LAs provide a separate food waste service.

The Government's preferred option still remains for weekly collection and for it not to be mixed with garden waste; however, they have acknowledged that further consideration needs to be given to local circumstances. It was also acknowledged, that for LAs with IVC facilities, the potential to undermine public confidence by mixing back together separated food and garden waste.

5.4 Free Garden Collection Service

Whilst responses from individuals was 80% in favour of a free garden waste service, only 38% of organisations (20% LAs) agreed with the proposal. The Government will be further considering the costs and benefits of this proposal.

5.5 Separate Collection of Dry Materials

70% of individuals agreed to the proposal to separate collection of dry materials opposed to 48% of organisations. Only 23% of LAs supported this proposal due to lack of space for containers, increased costs on collection and health & safety issues. The Government, however, continues to support separate collection of dry materials as a default to achieve high quality recycling in particular separating glass and fibres.

5.6 Bin Colour Standardisation

This proposal received strong support from individuals however only 30% support from LAs. The Government will give further consideration to this proposal as they develop the next steps on consistency.

5.7 Statutory Guidance on Minimum Service Provisions

90% of individuals, 70% of organisations (54% LAs) supported having statutory guidance. Given the overall support the Government intend to prepare statutory guidance on

minimum service standards for waste and recycling and will give further consideration to the proposals for a minimum frequency of residual waste collection.

5.8 Non-binding Performance Indicators

Over 60% (including LAs) supported the development of non-binding performance indicators. The Government have stated that they will work with LAs to develop the indicators and will seek to trial them over the next few years.

5.9 Measures to increase recycling from Businesses and other Organisations that produce Municipal Waste.

Overall 95% of respondents supported this proposal with option 3 (dry recycling, food waste and glass) being the most popular. Over 90% of all respondents also agreed that the Government should legislate for food waste to be separated if they produce a sufficient amount. General support was provided for improving data collection on waste and recycling performance in non-household municipal waste sector.

5.10 The Government Response

The Government's response to the consultation is summarised below.

'Our next steps will be to work with local authorities, waste management businesses, as well as other organisations and businesses to develop more detailed regulations and guidance to implement consistency in recycling. We anticipate bringing forward more detailed proposals early next year and implementing the necessary changes to achieve greater consistency in household and business recycling as soon as possible thereafter. The target year for measures to come into effect from is 2023.

In line with the manifesto commitment to support frequent and comprehensive rubbish and recycling collections, the Government wants to ensure that householders are not inconvenienced by being unable to get rid of putrescent or smelly waste weekly or having insufficient capacity to recycle or to remove residual waste. We will be mandating weekly separate food waste collection, and will consider whether a minimum service standard of alternative weekly collection for residual waste (alongside the weekly food waste collection) might be appropriate, subject to an assessment of affordability and value for money. We will consult on including this in the proposed statutory guidance on minimum service standards for rubbish and recycling, and will assess the costs for this to be included in our consultation on minimum service standards guidance, which would take place later in 2019 or early 2020. We do not expect any local authority that currently collects residual waste on a fortnightly basis to have to reduce their capacity of collection or frequency further as a result of these measures. Many local authorities already deliver with a greater frequency, and would continue to be able to do so, reflecting the wishes of their local residents.

The Government recognises the pressures on local authorities and potential new costs arising from these proposals. They will therefore receive additional resource to meet any

new net costs arising from the policies when implemented. This includes both net up front transition costs and net ongoing operational costs.

The Government also recognises that contractual obligations may prevent some authorities from adopting changes from 2023. We will work with stakeholders and especially local authorities to ensure that where such conditions exist we are able to progress to full consistency as soon as is practicable taking account of contractual commitments.

6. NEXT STEPS

Whilst the general direction has been provided in all consultations, there is, still a great deal of unknowns on what will be the overall outcomes will be to enable them to deliver the aim of the Resource and Waste Strategy. Work will continue in the forthcoming months to assess the potential impact of DRS and Consistency scenarios to Greater Manchester's collection and disposal services, ahead of the next round of consultations in 2020.