



**Havering**  
LONDON BOROUGH

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**[www.havering.gov.uk](http://www.havering.gov.uk)**

Dear Sir / Madam,

**Consultation on reforming the UK packaging producer responsibility system**

I enclose forthwith The London Borough of Havering's responses to the above consultation from DEFRA.

Yours sincerely,

Jacki Ager  
Waste and External Contracts Manager  
The London Borough of Havering

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## About you

### Q1. What is your name?

Jacki Ager, The London Borough of Havering

### Q2. What is your email address?

[jacki.ager@haverling.gov.uk](mailto:jacki.ager@haverling.gov.uk)

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

Local Government - The London Borough of Havering

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

Local authority carrying out street cleansing operations and waste collection from households.

### Q5. Would you like your response to be confidential? Yes / No

No

## Our approach

### Q6. Do you agree with the principles proposed for packaging EPR?

Yes. Comments as follows:

Principal 1: Whilst the theory behind this is sound, how the systems will work and complement each other in practice is unclear, given that they are due to go live concurrently. In particular, the avoidance of double-penalising producers who produce packaging listed under target DRS materials needs to be considered accordingly.

Principle 2: There needs to be a mechanism of ensuring that any charges are not just passed on to consumers.

Principle 3: Encouraging waste prevention overall needs to be a central aim, and therefore more thought needs to be given on how to incentivise producers to more successfully achieve a reduction in the packaging they place on the market. Full nett cost recovery (FNCR) needs to be fully investigated to ensure every part of the system is covered off, particularly around street cleansing and residual waste treatments; there needs to be acceptance that some recyclable materials will find their way into the residual waste stream.

Principle 4: As per principle 3 comments, FNCR needs to be investigated in more detail to ensure local authorities are appropriately compensated for the materials they handle. This principle partially implies that those LAs that do not meet the minimum service standards may not be eligible for funding. Principles 3 and 8 make it clear that businesses should be responsible for the full net cost of all packaging they place on the market, therefore it should go that local authorities that handle the waste should be fully compensated for any of those materials that they handle. This is likely to change over time as local authorities take on new contracts and adjust collection methods to comply with any legislation around consistency in collections.

Principle 5: Furthermore, labelling should be consistent throughout.

Principle 6: Targets should also focus on reducing the amount of material placed on the market in the first place. Target timescales and review periods should take into account contract lengths and procurement periods, timescales for planning / construction of infrastructure, etc.

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Principle 7: Will this include financial flows?

Principle 8: As per principle 2 comments, it needs to be clear how these financial flows will work, to ensure no extra burden is placed on consumers financially.

Principle 9: This is necessary throughout the supply chain, and therefore a variety of measures may be needed, both through the environment agency, as well as through reporting procedures. For example, WasteDataFlow is a tool used by local authorities, and it may be useful to investigate how this could be expanded to adequately reflect the packaging aspect of local authority waste.

**Q7. Do you agree with the outcomes that a packaging EPR should contribute to?**

Yes, however more emphasis needs to be given on overall reduction of packaging, with some emphasis on the general efficiency of some packaging (e.g. Multipacks of mini items). The human element - less littering and more knowledge of recycling - is reliant on robust campaigns, and a reduction in overall non-recyclable on-the-go packaging. Therefore, packaging types to be considered within their overall context of use, and robust communications are required.

**Q8. Do you think these types of items not currently legally considered as packaging should be in scope of the new packaging EPR system?**

Yes. The exclusion of these items from any sort of EPR scheme would likely lead to increases of this type of waste (predominantly single-use, such as cling film and disposable cups) within the system as retailers seek to exploit loopholes, for example in outlets where food is prepared. However, the benefit of some of these items needs to be considered - consider the role that plastic bags have to play in keeping salads fresh for longer. So some research needs to be carried out around the environmental and economic benefits of some of this packaging (i.e. less food wastage). There are also areas of ambiguity, for example where jars can be purchased as a commodity, versus jars of jam purchased in a supermarket. Finally, the definition of "composite packaging" requires more detail, as there are many products not covered in this, for example multiple polymers within a product, or the lids and ring seals on jars / bottles which do not match the body material.

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

**(a) Primary, secondary, tertiary**

**(b) Consumer-facing and distribution/transit**

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

c) Neither. As a Local Authority, Havering Council collects predominantly consumer-facing packaging, with some elements of distribution / transit packaging from households. No commercial waste is collected by this Council, although if this were to be introduced it is likely to include elements of all types of packaging waste. As a waste collection authority, Havering predominantly classifies its waste based on material type, in line with its Disposal Authority protocol (for example, card, paper, plastic bottles, etc. within the household waste recycling stream). Given the potential for distribution / transit packaging to occur in the household waste stream, and given the number of local authorities that collect household-like waste within their commercial streams, and will be collecting all packaging types, it is important that FNCR is inclusive of all of this material.

**Part A: Packaging extended producer responsibility – key principles**

**1. Full net cost recovery**

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

**(a) Yes**

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

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

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b) No, it does not fulfil the Polluter Pays Principle. Whilst collection of material for recycling is included, only treatment / disposal of material within the residual waste stream is included. Collections must also relate to material within the residual waste stream. This is particularly relevant for more urban boroughs, where a higher population transience and more homes of multiple occupancy mean that a lower capture of recyclate has traditionally been achieved. The presence of packaging waste within the residual waste stream, particularly given the bulky nature of much of it, places significant burdens on the local authorities that are required to collect it. Furthermore, given the emphasis on improving London's air quality, waste collection is due to be considered within this Borough's air quality action plan. The Polluter Pays Principle therefore needs to reflect the impact that waste operations have on the local environment, such as carbon emissions, and we suggest that this therefore needs to be monetised and considered under FNCR.

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

Yes, however they should also be required to fund distribution / transit packaging, which often ends up in the household / household-like stream as part of household and commercial waste collections.

**Q12. Do you agree that packaging for commercial/industrial applications should be out of scope for full net cost recovery?**

No. As in Q11, this packaging is often found in Local Authority collections, either through the household waste stream, or through commercial waste collections where small businesses do not operate a back-haulage system. There may need to be a mechanism for reporting such systems which would then allow for this type of packaging to be out-of-scope in scenarios where businesses are already treating this waste through back-haulage, but this would need to be appropriately reported and robustly audited to avoid loopholes being exploited.

**Q13. We would welcome your views on whether or not producers subject to any DRS should also be obligated under a packaging EPR system for the same packaging items.**

Yes they should. DRS does not guarantee FNCR. Havering has suggested in its response to the consultation on DRS that unredeemed deposits should be utilised by local authorities to help fund collections as it is inevitable that some target DRS materials will end up in residual waste streams, either through residual waste collections or street cleansing operations. The cost of managing these materials needs to be fully covered, and it seems more likely that this would be able to happen through an EPR system.

## 2. Driving better design of packaging

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

Yes. It would be sensible to ensure there is consistency between this list and any materials local authorities are legislated to collect at the kerbside, however it is debatable whether some markets (and sorting / reprocessing facilities) are developed enough to handle all of the potential materials. A gap analysis needs to be undertaken to determine what work needs to be done to stimulate markets, upgrade existing infrastructure and potentially introduce new facilities for sorting and reprocessing prior to the mandating for collection of any of these materials at the kerbside. There also needs to be adequate capacity for kerbside collections, with appropriate FNCR where there is a requirement for extra capacity and associated costs such as fleet.

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

(a) Modulated fee

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

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

Please briefly state the reasons for your response

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b) Deposit (for recyclable packaging) and fee (for non-recyclable packaging). This would encourage producers to utilise materials that are more readily recyclable, with a positive financial incentive for doing so. A variable incentive would also help to encourage more closed-loop recycling. Whilst deposits may need to be set at a high level, there is less likelihood of them being passed back to the consumer if there is a genuine opportunity to recover it through recycling. The "stick" approach of modulated fees is likely to stimulate the market to a lesser degree than the prospect of recouping costs in the deposit approach.

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

**(a) Modulated fees**

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

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

a) Yes, if producers opt to move to other types of packaging out of scope, which may be less sustainable. Or, for example, if more compostable packaging enters the market, as this can have the effect of contaminating stocks of plastics for recycling if not sorted correctly.

b) Yes; there is no real incentive to reduce packaging through this approach, only to provide packaging made from more recyclable materials.

**Q17. Do you agree that the deposit approach should be designed to incentivise more closed loop recycling?**

**(a) Yes**

**(b) No**

**(c) I neither agree nor disagree**

Yes, where this is the most economic and practicable way of doing so. The deposit approach is likely to drive up quality to create a more marketable product. However, the definition of "closed loop" requires some thought (it may need to be material-specific), and demand for different materials and grades needs to be assessed. Quality needs to be considered, as some lower grade polymers may currently be treated as RDF and EfW feedstock, and it may be that pushing them further up the waste hierarchy is not the economically best solution. Additionally, the carbon cost/benefit of treating material in different locations will need to be considered - for example, sending higher quality material further afield rather than being able to deal with lower quality material locally. As plastic is generally a lightweight commodity, transporting it is not always economical.

### 3. Obligated producers

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

**(a) Brand-owner**

**(b) Seller**

**(c) Other**

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

a) The brand owner, who would have the most influence over the design of goods / materials used. Even smaller brand owners are likely to piggy-back on larger brands, for example "alternative" products very similar in appearance to brand names. As sellers effectively act as the middleman, they would have less influence over the product design.

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

**(a) Replaced with a lower turnover threshold?**

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

**(c) Other, please state**

**(d) Don't know**

b) Retained and wholesalers and direct-to-retail sellers take on the obligation of those below the threshold. This will maximise the amount of packaging captured under the scheme. As suggested within the consultation document, the wholesaler could discount the fee when selling to an obligated business to

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avoid doubling of fees.

**Q20. Should small cafés and restaurants selling takeaway food and drinks whose packaging is disposed 'on the go' be exempt from being obligated? (a) Yes (b) No (c) Don't know**

No) Whilst Havering would not wish for disproportionate burdens to be placed on small businesses, it must be recognised that this type of packaging can cause significant amounts of litter - consider takeaway cartons in town centres on a Friday night. Therefore, it is imperative that it is captured under EPR and that FNCR is applied to cover street cleansing costs, as well as disposal, etc., and that small businesses are incentivised as much as possible to use recyclable products. As it stands, these businesses are likely to be purchasing their packaging items through wholesalers, and therefore will likely be paying for EPR indirectly through their purchases.

**Q21. If shared responsibility is retained, is Option A or Option B preferable for including smaller businesses or the packaging they handle in the system?**

**(a) Option A (Lower or remove the de-minimis)**

**(b) Option B (De-minimis threshold remains as is and obligations extended to distributors of packaging or packaged products)**

**(c) Other, please state**

**(d) I don't know**

Option B (De-minimis threshold remains as is and obligations extended to distributors of packaging or packaged products).

This would maximise the amount of packaging captured under EPR without placing a large burden on smaller businesses, and the regulation of them.

**Q22. If you have stated a preference for A, do you think the de-minimis threshold should: (a) Be reduced (please state your suggested threshold) (b) Be removed entirely**

Whilst option B is preferred, if option A were to be introduced, some consideration on the regulation of this would need to be made, and appropriately compensated for under new burdens.

**Q23. Overall, do you have a preference for maintaining a shared responsibility compliance approach, or moving to a single point of compliance?**

**(a) Shared responsibility (b) Single point of compliance**

b) Single point of compliance. This will maximise capture rates without placing undue burden on small businesses. It will also ensure that one clear party is responsible along the supply chain, and it will be the party with the most influence on the design of the packaging / with the most buying power to exact change.

**Q24. Do you have a preference for how small businesses could comply? (a) Pay a flat fee to include a contribution to a communications fund (b) Apply an allocation formula (c) Other, please describe**

c) Whilst B would ensure that small businesses are paying for their share of the packaging, the regulation of this is likely to place considerable burdens on whoever is chosen to enforce it. This may fall to local authorities to enforce, in which case this would need to be reflected through adequate cost recovery via the Doctrine of New Burdens. This is why compliance is better suited to the producers, who can then pass on the cost to the small businesses through packaging sales where required.

**Q25. Do you think that requiring operators of online marketplaces to take the legal responsibility for the packaging on products for which they facilitate the import would be effective in capturing more of the packaging that is brought into the UK through e-commerce sales?**

Yes, however the regulation of this is likely to be complex, particularly where market place sellers import and export items on a small scale. A de-minimis level (e.g. through online sales) may be required. Furthermore, where goods are exchanged across international borders, there is a risk of double-charging

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through producer responsibility schemes in other countries. Therefore, some thought needs to be given to ensure businesses are not overly burdened in this area.

#### 4. Supporting improved collections and infrastructure

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

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

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

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

a) No. If a minimum set of standards is to be stipulated then this needs to be legislated in order to ensure any new burdens are adequately compensated for. Otherwise, those local authorities least able to implement changes (through either infrastructure, contractual limitations or financial concerns) will be unfairly penalised.

b) No. As above. This issue is likely to be particularly prevalent in urban areas such as London where high population transience and communal housing stock means less space for separation and higher rates of contamination that boroughs have little control over. Instead of being penalised, it stands to reason that more support should be given to boroughs in more challenging circumstances to maximise compliance and material capture.

c) Yes. As above, boroughs in more challenging areas should not be indirectly penalised. Instead, more onus should be placed on the producers to work with these boroughs to help divert recyclable packaging from the residual waste stream, and if non-recyclable then variable charging within EPR should be acting as a way to encourage producers to switch to more sustainable types of packaging. Whilst these items are still on the market, local authorities should be compensated accordingly for collecting them.

Havering appreciates that value for money will need to be evidenced for producers, and as such Havering agrees with LedNet's suggestion of regular benchmarking and efficiency reviews, which should be standardised to ensure fairness.

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

No. Whilst some effort has been made to cover the provision of services for packaging occurring both in the recycling and residual waste streams, in order to deliver a successful waste collection service the key element of communications and enforcement must be included. These are an essential part of local authority service provision, and need to be covered in operational costs, as well as other costs such as depot rental/running costs, vehicle maintenance and corporate overheads. Transitional costs would also need to be covered, either through EPR or through the Doctrine of New Burdens, where consistency is legislated for.

The grouping of authorities is also of concern, as whilst certain characteristics will be evident in particular groups, contractual arrangements / costs, local infrastructure and potentially population growth will differ greatly. Therefore, this is not an accurate way of calculating costs for local authorities - particularly where FNCR is necessary. Particularly in London, the following challenges will be common:

- High wage costs
- High costs for land (e.g. where depot space is rented)
- Efficiency issues relating to narrow, congested streets
- High proportions of flatted properties
- High population transience
- Higher proportions of foreign nationals for whom English is not a first language

Where some local authorities currently receive income from the sale of material, more work needs to be done to establish the impact of EPR and how any negative impacts can be mitigated through FNCR.

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

Neither agree nor disagree. Whilst the aim of encouraging more separation of recyclable items is sound, it is based on the assumption that there will be some form of weighing of materials to determine how much businesses are recycling. There will be a reliance on waste composition analyses which will only be done at a waste transfer facility level. Furthermore, there is a danger of businesses contaminating their recycling stream to divert more waste out of the residual stream, therefore contamination levels will need to be robustly monitored and enforced by the collectors. Furthermore, if payments are based on full net cost recovery for collectors, any incentivisation for businesses would need to be over and above this amount.

It may be sensible to adopt a franchise model whereby local small businesses pay into a local collection scheme. This would allow for ease of use and efficiencies in collections.

Some consideration needs to be given to "grey waste" being covered in the payment system, which is common on high streets and is difficult to attribute to either households or businesses, but which may end up in either the recycling or residual waste stream depending on its nature.

**Q29. Should businesses producing household-like packaging receive a payment for the costs of household-like packaging waste in residual waste?**

No, as this would surely disincentivise separation of material for recycling. It would be difficult to calculate this per business anyway, even as an overall percentage of the waste that collector is removing, which may also include household waste. Payments should be based on target materials separated for recycling. Any payment for non-recyclable target material within the residual stream should be made to the collectors to ensure FNCR.

**Q30. Are there other factors, including unintended consequences that should be considered in determining payments to:**

**(a) Local authorities? Please explain the reasons for your response and provide any information to support your view**

**(b) For the collection and recycling of household-like packaging waste?**

a) There needs to be an onus on sorting facilities and waste transfer stations to evidence target materials in the waste they are handling (both recyclate and residual waste) in order to ensure collectors are adequately compensated. Otherwise, if this work is to be commissioned by the collectors, again the cost of it needs to be compensated for accordingly. If assumptions are to be made about this material, then these need to be robustly evidenced.

b) Where enforcement is necessary to ensure compliance, this needs to be compensated for, either through FNCR or through the New Burdens Doctrine. Payments need to reflect real life costs, and should be based on robust evidence. Just as local authorities are likely to be subject to groupings / indexation, likewise the particular waste-related characteristics of different business types need to be factored in to ensure an accurate estimation of waste composition.

**Q31. Do you have any information that would help us to establish the costs incurred by local authorities and other organisations of cleaning up littered and fly-tipped packaging items?**

Havering Council spends nearly £3.8m per annum on street cleansing activities, although this is inclusive of autumn leafing and sweeping of rural and residential streets. Like all other boroughs, Havering places particular emphasis on maintaining clean high streets, which are a main source of litter, along with school routes. However, with no recent waste composition analyses it is difficult to estimate the cost of packaging litter alone.

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



On-the-go recycling systems have traditionally not been cost-effective to manage due to the high levels of contamination and relatively low capture rates. Under DRS there should be opportunities to improve these systems for particular target materials. For other target materials, it is likely that on-the-go recycling bins will continue to incur heavy contamination rates, however there may be opportunities to extract some lower quality material via dirty MRFs. It may be worth considering the extent of communications required to reduce contamination and increase material quality, which should then be funded via EPR, to achieve FNCR as with kerbside collections. Some boroughs operate material segregation in manual barrow collections in high-status areas, however this is an expensive method to capture cleaner / higher-quality materials but in relatively low amounts. There would need to be a demonstration of value-for-money in operating this type of collection. Where non-recyclable packaging waste is managed, FNCR should also be applied. Havering Council suggests that this could be extended in future to cover other types of commonly littered items such as cigarettes and chewing gum.

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

Havering has previously operated on-the-go recycling, but this proved to be heavily contaminated and therefore not viable as a recycling initiative. The addition of this service would potentially require a new collection round (depending on the number of bins; otherwise there is an option of splitting the hoppers on existing vehicles) and purchasing of new bins, plus the associated costs of emptying each one.

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

No. Disposable cups must be considered an item of packaging. These items are widely littered, and therefore managing them comes at significant cost to local authorities. Whilst voluntary take-back schemes have achieved limited success, particularly in larger retail outlets, smaller retailers need to be incentivised. EPR will help to encourage retailers to consider more promotion of reusable alternatives to customers, and the cost could be passed to customers, similar to the successful plastic bag tax. This would help to push single use cups further up the waste hierarchy. A DRS scheme would be less successful in this regard, although it may help to compliment any EPR scheme.

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

(a) DRS

(b) EPR

(c) Both

(d) None of these options

(c) both. Similarly to other in-scope materials, DRS is unlikely to 100% capture these items, and EPR would help to push these further up the waste hierarchy, encouraging more reusable alternatives. A combination of the two schemes would ensure that the cost of handling 100% of the material is captured. The variety of different materials needs to be acknowledged and accounting for when considering single-use cups. Consider paper / paper composite, plastic and foam cups. Some will be recyclable and others will not be, however it stands to reason that all should be covered by EPR one way or another.

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

Yes, however, there also needs to be a disincentive for their use altogether, particularly of less easily recyclable types such as Styrofoam. The use of reusable cups needs to be encouraged, therefore Havering proposes the implementation of targets for overall reduction in usage.

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

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

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Yes. Communications form an integral part of the core services that local authorities provide, therefore it stands to reason that FNCR should cover the provision of information to residents on the waste collection and street cleansing services offered by local authorities. The level of funding should reflect what is needed to deliver a successful campaign and not the current Council budgets given to this activity. It must be recognised that budgets in this area have reduced, often dramatically, in the last few years, and therefore current expenditure does not reflect the actual requirements for delivering communications.

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

Yes. This is likely to be particularly effective if consistency in collections is legislated, although there are likely to be regional variations on messaging to ensure communities are sufficiently motivated. A joined up approach nationally will reassure customers regarding the items that can / cannot be recycled and created a more recognisable brand. However, there is no reason why producers cannot work either on a national or local level (such as large supermarket brands) to help drive recycling and reuse and therefore fulfill their own EPR responsibilities.

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

No. As in Q37 response, this is part of the core service function that local authorities provide and should therefore not be exempt from FNCR under EPR.

**Case for action – labelling on packaging**

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

Yes, as long as this is in line with target materials legislated for around consistent collections. At the moment, where some materials are not widely recycled, this only serves to confuse consumers. There may be an argument to include other materials, where they might be included in DRS but not at kerbside - however, there needs to be a clear differentiation in order to avoid confusing consumers.

Furthermore, where composite packaging is concerned, it needs to be made clear where components require separation for recycling, and how this should be done (e.g. "remove lid"). There also needs to be more guidance around compostable packaging, and use of the term "biodegradable" as this terminology can confuse consumers, who assume some packaging can be composted, when it cannot. More consistency needs to be established within the industry around the various forms of composting and compost-like treatments (such as in-vessel and anaerobic digestion) and where this packaging sits within those. This has the potential to simply cause more confusion for customers, and contamination of recycle streams is likely.

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

Yes, as it will help to inform consumers of how sustainable their shopping purchases are. However it needs to be made explicit how this is differentiated from whether an item is actually recyclable as many people, upon seeing the word "recycled" or any recycling-related icon, will automatically assume it can be recycled.

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

Similar to how energy efficiency is measured for white goods, there could be a Red-Amber-Green system on packaging, with a set calculation to determine the sustainability of packaging based on various factors such as use of virgin materials, recycled content, air miles, manufacturing practice (think of water use in the manufacturing industry) and recyclability. This needs to be either combined with, or differentiated from the product within - that is where some confusion may occur. Furthermore, there is already confusion around the use of the mobius loop when identifying polymers, which leads to consumers wrongly assuming all are recyclable within their local recycling systems. This needs to be re-examined accordingly.

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**Q43. Do you have any other proposals for a labelling system?**

No further comments.

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

No, but this needs to be in line with the introduction of any legislation around consistency in recycling collections. The lead-in period for that needs to consider local authority contract lengths, procurement timeframes and treatment facility lifespans. Once decided upon, adequate lead times would need to be devised to consider both local and national communications campaigns. This should include the need for support towards local authorities (e.g. through WRAP) in order to achieve successful campaigns.

## 6. Packaging waste recycling targets to 2030

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

No. More research needs to be done around unaccredited reprocessing data in order to establish a more reliable estimate.

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

We don't have enough information, however it is likely that online market places and individual sellers abroad will be contributing towards this without bulk-placing products directly within the UK market.

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

We don't have enough information, however should online market places be included in EPR it is questionable how any obligations would work in practice, and how any non-obligated material would be paid for to ensure FNCR for collectors.

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

We don't have enough information, however if charges are applied robustly, overall reduction in packaging placed on the market, and a move towards more recyclable material types may increase the recycling rate further than indicated.

**Q49. Do you agree with the packaging waste recycling targets proposed for 2030?**

We don't have enough information, however if charges are applied robustly, overall reduction in packaging placed on the market, and a move towards more recyclable material types may increase the recycling rate further than indicated.

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

DRS will help to incentivise consumers to recycle more items. For less sustainable packaging with reusable alternatives, a charge could be levied (similar to the plastic bag charge, which has proven to be very successful in reducing plastic bag use). A minimum standard of kerbside recycling collection would help to maximise the potential for material capture, however consumers still have the choice between recycling or not. Restriction of residual waste (supported by a robust recycling and food waste collection service) has proven to be instrumental in driving up recycling rates. However, the cost of introducing consistent services nationwide would need to be met fully through EPR. This has the potential to be easier in encouraging businesses to recycle, where variable charging for residual and recycling streams can be

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utilised.

**Q51. Do you foresee any issues with obtaining and managing nation specific data?**

Don't know. It is likely that a nett figure would need to be calculated due to packaging crossing national borders. Therefore a single point of compliance would help to reduce complexity.

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

Yes; whilst downcycling of some material may hold some environmental benefits, this is of far lower value than genuine closed loop recycling. However, investigation needs to be carried out to determine the markets available to achieve this, and if need be, devise a road map for stimulating the market and funding more sorting and reprocessing geared towards closed loop. A phased introduction of material-specific targets may be required based on the current state of the market, and some evaluation of available external markets where exports may be more appropriate.

Furthermore, as in Q40 response, more research needs to be carried out into the effects of, and uses for, bio plastics on the market. These will likely have an adverse impact on closed-loop plastic recycling systems, but conversely, synthetic plastics will impact upon AD systems.

**Q53. Should government set specific targets for individual formats of composite packaging? If yes, what key categories of composite packaging should be considered?**

Yes. Beverage cartons (a composite of card, plastic film and foil) would be a key item. This is because these are items that many consumers wrongly assume can be recycled, and thus often become contaminants in local authority recycling streams. Single use cups, often composed of card and a wax coating, are another key contaminant. These should be held in-scope of EPR, and therefore targets should be set accordingly. There are other materials that may not traditionally be considered composite packaging, however the recycling of them is currently not maximised. For example, glass jars with lids that are often a mixture of plastic and metal - currently the jar will be recycled, but often the lid will be excluded. It may be worth considering items such as these as composite packaging in order to ensure capture.

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

Neither agree nor disagree. As these targets relate to businesses, Havering will simply wish to ensure that FNCR is achieved for its collections / handling of these items, with associated costs.

**Q55. Do you agree with the proposal to increase the allocation method percentage to 35% for 2021 and 2022?**

Neither agree nor disagree. As these targets relate to businesses, Havering will simply wish to ensure that FNCR is achieved for its collections / handling of these items, with associated costs.

## 7. Governance models

**Q56. Overall, which governance model for packaging EPR do you prefer?**

- (a) Model 1
- (b) Model 2
- (c) Model 3
- (d) Model 4

4. deposit-based government managed system, possibly delivered through compliance schemes. Havering agrees with the suggested variable rate of deposit return to act as an incentive for higher levels of closed-loop recycling. There is a danger of producers simply raising their prices in order to accommodate these materials, but there is a likelihood that customers within the retail industry would then vote with their feet and opt for cheaper alternatives.

Whilst Havering does not have strong feelings either way regarding the option of retaining compliance schemes, adequate support needs to be given to these to ensure FNCR is achieved for local authorities and other collectors. Havering strongly feels that FNCR should be inclusive of any local communications and enforcement activities. A regulator would need to ensure that fair and consistent pricing is achieved through compliance schemes to avoid a situation where a local authority is unable to identify a compliance scheme that would adequately recompense it for FNCR.

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

Please see response to Q56.

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

a) Yes

b) No

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

Further information would need to be provided on material and financial flows with reference to potential compliance schemes in order to identify any issues that may arise from the need for local authorities to achieve FNCR.

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

Further information would need to be provided on material and financial flows to better understand any implications here.

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

We do not have enough information. There is a danger that a competitive evidence market may lead to any individual compliance scheme working on behalf of its members not being able to fulfil FNCR obligations towards local authorities.

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

(a) Packaging Advisory Board

(b) Other – please provide details

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

a) Packaging advisory board. This should have representation from local authorities - both as waste collection authorities, disposal authorities and unitary authorities. A clear evidence-base will need to be established in order to oversee any compliance schemes and ensure adequate compensation to local authorities under FNCR.

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

Not for profit. Any periodic reviews should be based on a consistent set of criteria with evidence scrutinised by a packaging advisory board.

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**Q63. If such a management organisation is established as not-for-profit, one option is for government to invite proposals from potential operators and then issue a licence to operate for a defined period of time. Do you agree with this approach?**

**If no, would you like to suggest an alternative approach?**

Having questions what the motivation would be for operators to bid on a not-for-profit model. As the management organisation would be responsible for meeting recycling targets, it is logical for it to have representation from the producers who are ultimately responsible for their materials, as well as the local authorities whose collections would require funding through FNCR.

**Q64. Should a single scheme be established for household/household-like packaging and C&I packaging as described for model 2?**

I don't know. Havering has no preference for either approach, as long as FNCR is achieved for the household / household-like packaging waste that local authorities collect.

**Q65. Or, should there be a separate system for managing compliance for household/household-like packaging and C&I packaging as described for model 3?**

**If yes: could model 3 work as described? Or would additional mechanisms be required to make this approach work effectively, please indicate what these might be?**

**If no: do you have suggestions on an alternative approach?**

I don't know. Havering has no preference for either approach, as long as FNCR is achieved for the household / household-like packaging waste that local authorities collect.

**Q66. Under model 4 are producers more likely to?**

**(a) Manage their own compliance?**

**(b) Join a compliance scheme?**

b) We feel it likely that producers will opt to join a compliance scheme, however with this choice, there is no overarching way to manage FNCR for local authorities, as per response to Q60.

## 8. Responsible management of packaging waste domestically and globally

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

Yes. Transparency and more stringent inspections should be encouraged and would only benefit the industry and provide a more complete picture of waste flows, both internally and outside the UK.

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

Yes. Whilst this is likely to cause extra administrative burdens on exporters which may have a knock-on effect to the system, it may help to stimulate internal reprocessing markets. Ultimately this will help to ensure transparency and more responsible exports of waste to viable foreign markets. Given the heightened public concern around illegitimate export of waste, transparency, including the potential for inspections of the waste the UK exports and auditing payments to ensure appropriate market rates are being exchanged, would inspire more confidence in the system. Measure 10 may require further investigation to determine the viability of carrying out additional sorting and cleaning with current infrastructure.

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

b) No.

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

Yes. Measure 5 may have a knock-on effect to waste transfer facilities, both regarding space and site licenses where giving 7-days' notice of shipments leads to stockpiling / backup of waste. Concerns to

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Measure 10 are referred to in Q68 response.

## 9. A more transparent system

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

Yes, to ensure money is reinvested in the system to fund continuous improvement in an open and transparent way. More information is required on what auditing would ultimately seek to achieve, and what the penalties would be for perceived irregularities.

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

Yes, both within and outside the UK to ensure a level playing field. This should include the material type, and the level of reprocessing (e.g. closed-loop or otherwise) in order for accurate reporting and any deposit returns, should a deposit-based scheme be adopted.

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

Yes. This would allow monitoring of market fluctuations, and a higher level of transparency of material flow.

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

Not sure. There may need to be further auditing in place to reduce the possibility of double handling/selling of tonnage.

### **Q75. Are there any additional requirements that should be placed on compliance schemes to ensure greater transparency of their operations and reporting?**

Auditing should be carried out by the Environment Agency or a similar government body, and information made publically available to ensure full industry transparency.

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

It seems appropriate for the Environment Agency, as the current industry regulator, to continue with this function. However, with additional responsibilities resourcing needs to be appropriate to ensure a robust and high level of scrutiny.

### **Q77. Are there any additional requirements of a single producer organisation to ensure transparency of its operation and reporting?**

Auditing should be carried out by the Environment Agency or a similar government body, and information made publically available to ensure full industry transparency.

### **Q78. Do you think there is a need to make more information on packaging available to consumers?**

Yes, particularly where greater regulation may push up consumer prices. There exists, therefore, a moral obligation to demonstrate the appropriate reasons by this. It also allows consumers to make more informed choices around the products they purchase. Given that a reformed system would likely be audited centrally (suggested by the Environment Agency) there is no reason why all of this information should not be publically available in the same way that Local Authority data currently is, through both WasteDataFlow and FOI / EIR requests. In its simplest form, this would consist of on-pack recycling information as per the "traffic light" style system suggested in Q42 response, but even with more detailed information, this needs to be provided in a format that is easily understandable for consumers. However, as with Local Authority data, more detail should be available in order to ensure a robust level of public scrutiny.

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## 10. Compliance monitoring and enforcement

**Q79. Are there other datasets that will be required in order to monitor producers in any of the proposed models?**

No, however the list should be subject to regular review and have a degree of flexibility where additional information is deemed useful.

**Q80. Is there a specific material, packaging type or industry sector whereby producing accurate data is an issue?**

As a waste collection authority, we do not have sufficient information to answer this question.

**Q81. Do you think a single database, as opposed to the current range of methodologies available, would be an effective alternative?**

Yes, in order to simplify the system as much as possible.

**Q82. Do you agree that compliance schemes (models 1 and 3), the producer management organisation (model 2) or the scheme administrator (model 4) should be responsible for carrying out audits of producers, which should be reportable to the regulators?**

b) no. As in Q75 response, auditing should be carried out by the Environment Agency, with appropriate resourcing. A compliance scheme, PMO and potentially scheme administrator would all essentially be made up of producers in one way or another, and would not be able to provide a fully impartial auditing process. The level of consistency between schemes may differ as well, and as such an external and fully independent auditing body would be required.

**Q83. Do you support the broadening of legally enforceable notices to obtain required information?**

Yes, where these are required to ensure compliance.

**Q84. Are there other enforcement mechanisms that should be considered which would be timely and effective to bring producers into compliance, for example in relation to free riders?**

We do not have sufficient information to answer this question.

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

Unsure, however the provision of data needs to be consistent regardless of compliance scheme or PMO.

**Q86. Do you think a penalty charge, as described, is the correct lever to ensure packaging recycling targets are met?**

Yes, however as described the charge should be large enough to ensure that non-compliance is the least desirable option whilst ensuring that it is not exploited by competitors to drive each other out of business through withholding of evidence. Any penalties should be complimented by additional enforcement powers such as criminal prosecution in the worst cases.

**Q87. Should stakeholders other than reprocessors or exporters be able to issue evidence of recycling?**

Yes; this may be supporting evidence that is then used by the reprocessors or exporters reporting to the compliance schemes. However, this should not absolve them of the ultimate responsibility for the materials. Some investigation may be required to ascertain the impact / burdens associated with this, given the high number of relatively small-scale MRFs and brokers present within a constantly evolving domestic market.

**Q88. Are there any additional enforcement powers that should be applied to waste sorters, MRFs and transfer stations handling packaging waste?**

As in Q87 response, these types of facilities may be required to provide more detailed evidence of the waste they handle, and this may be an extended requirement of their environmental permitting. Compliance would be made easier with the suggested digital tracking system.

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

Yes, particularly around variable monetary penalties for repeat low-level offenders. However no changes have been proposed under Conditions of Accreditation, therefore some clarification is required here as to whether further powers will be given.

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

No, however Havering agrees with the assertion that this may be the case without robust enforcement including sampling and inspections.

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

No, it is unlikely that this will be 100% watertight, however an outwardly robust / transparent sampling and inspection regime combined with clear and decisive enforcement powers would minimise this and discourage abuse of the system.

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

As technology progresses, there may be a case for utilising techniques such as smart water to identify UK-based packaging waste. Robust monitoring of POM data from outside the UK may help to minimise abuse and identify non-domestic packaging waste.

## 11. Estimated costs and benefits

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

No, however it should be noted that costs to consumers may increase where additional burdens are placed on producers to comply (e.g. through more robust reporting).

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

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Given that method of local authority cost estimates have only been suggested at this stage (see response to Q26), it is debatable how accurate the current estimates are. Particular attention needs to be paid to contractual arrangements and lengths. Some assumptions around target materials within residual waste need to be reconsidered, particularly around quality. Actual treatment of residual waste does not take into account the full complement of treatments on offer - particularly given that waste within the East London Waste Authority is subject to Mechanical Biological Treatment, with extraction and recovery of some potential target materials as part of that process.

## 12. How will we know when we've been successful?

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

No further comments.