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Dear Minister Pow

Re: Changes in Waste Management – EPR, DRS and Consistency

London Councils Transport and Environment Committee (TEC) and the London Environment Directors Network (LEDNet) welcome the positive engagement on Extended Producer Responsibility (EPR), Deposit Return Scheme (DRS) and Consistency by Government in order to review the current situation of waste management in the country and ensure that local authorities are properly consulted on these important changes. While we fully support the policy objectives, we are concerned with the best way of executing to achieve those objectives and as the bodies charged with implementation have submitted detailed responses to all three consultations and would like to take this opportunity to bring a number of key points to your specific attention.

Funding

Local authorities need assurances that new burdens will be fully funded. These assurances are especially urgent given the short time frame for implementation. Government is bringing significant changes without a sight of financial models and with local authorities having little time to plan and implement. It is important that the system recognises the very wide range of geography, demographics, and service delivery costs and barriers, rather than one based on a model using standardised service cost assumptions but that omits more local factors and is thereby unlikely to fully capture all actual costs across EPR, DRS and consistency. We highlight a number of potential additional new burdens in our detailed response as well as other cost considerations, which include for example, the unintended consequences on the street scene such as littering and fly tipping, as well as the potential for food collections to attract pests. We note that funding proposals are subject to confirmation in the next spending review, which is likely to be a highly challenging one due to the extraordinary situation that the public sector and country finds itself in. We are concerned to the reference to excessive costs, which are not well defined and will vary considerably from borough to borough.

Funding issues not only affect London local authorities but also related stakeholders. ReLondon is a critical organisation for ensuring the shift to a circular economy across the city and the many benefits to waste management that this will bring. We believe that Government should recognise the important and unique role of ReLondon and provide on-going funding.

Empowering Local Authorities

It is vital that local authorities are granted the flexibility to be able to decide what is the most appropriate solution within the local context. We would request that Government works closely with us and others in order to clarify requirements. There will be local circumstances where some service implementation will not be possible, flats above shops in a busy high street represents one of those challenges, food waste collection in high rise buildings another. A further issue is that of a lack of space both in inadequately planned new developments as well as older buildings, both of which were not designed with these

requirements in mind and lack the space for a collection point. The potential number of additional containers in addition to presenting further challenges with the street scene also has health and safety implications for both operatives and service users who will need to lift and not wheel the waste to or from collection points. We are also concerned by the references to significant environmental benefit. These will vary considerably from borough to borough and it is important that they are able to use their own judgment in this area. It is encouraging to hear that government is listening to some of these concerns and we welcome the opportunity for further engagement on this.

Waste hierarchy

In order to achieve a circular economy in both London and the UK, it will be necessary to consider all aspects of the product lifecycle. Improved recycling is a great benefit, but materials cannot be recycled indefinitely. Proper waste and resource management dictates that while high recycling rates are desirable, the key metric of successful waste management is the volume of material going to final disposal. This being the case, it is important for Government to support other areas for potential intervention by local authorities such as re-use and repair. It is also important to consider issues surrounding WEEE and textiles, which are not referenced in the consultations.

Waste Producer Responsibilities

In order to improve recycling rates, it is necessary to place obligations on the individual or institution best placed to control the waste presented (whether that be the householder, the landlord or the managing agent). Residents and businesses failing to use services correctly to enable separate collection of all recyclable materials is a key issue for improving the recycling rate. There are only very limited sanctions that can be used to require residents to separate waste for recycling, to avoid contamination of recyclable waste, or to use service correctly – and these powers are often difficult or impractical to apply in practice, especially where a named perpetrator cannot be identified. Improvement could be achieved through the following changes:

- Clearer powers to direct waste producers (including property managers for properties with shared services) to use collection services correctly and place the right materials in the right containers.
- Powers to recover the full cost for disposal of presented waste from waste producers and property managers who have failed to follow a reasonable requirement to separate waste for recycling - such as the cost of collecting and disposing of the contents of a contaminated bin.
- Powers to direct property managers to make suitable provision for waste storage within properties they manage, including for separate collection of recyclable materials – where such decisions are not directly in the control of the residents.

All of these requirements could be achieved with simple changes to section 46 of the Environmental Protection Act 1990 (as amended), or by changes to the Controlled Waste Regulations 2012, and associated guidance. This would create reserve powers that councils could use in situations where provision of services and information to service users did not result in a reasonable level of compliance.

Communications

Recycling needs to be made easier for both householders and businesses. Without a single clear and consistent label for both “Recycle” and “Don’t Recycle”, consumer confusion will continue and aspirations for increased quality and quantity of recycling will not be realised.

We can say this, having years of experience of running communication campaigns aimed at pushing residents to recycle more.

There should be one mandated packaging label to enable clear information to be passed on to the consumer, thereby reducing the need for more nuanced communications to householders. It is not our belief that having the proposed variety of approved labels will be enough to lessen the confusion among consumers, instead Government must mandate the 'do not recycle' label to achieve clarity.

Therefore, we firmly believe that On-Pack Recycling Label (OPRL) should be taken forward as the mandatory label for recycling in the UK. It is already well recognised by consumers, has built up a wealth of consumer insight and knowledge and is widely supported and used by the retail and packaging industry.

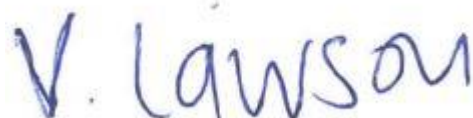
All stakeholders that London Councils TEC and LEDNet have discussed the consultations with welcome and support the key aims of the strategy review. Nevertheless, the significant changes proposed by Government and the ambitious timelines have major ramifications for local authorities across London, at a time when authorities are recovering from the COVID-19 pandemic and resources are significantly constrained. We hope that Government will provide further clarity and assurances relating to the foregoing in order that the London boroughs and the City of London can plan the implementation of the deposit return scheme, extended producer responsibility and the proposed actions for consistency in recycling with full confidence.

Yours sincerely,



Mayor Philip Glanville

Chair of London Councils TEC



Victoria Lawson

Chair of LEDNet