

Wednesday, 17 February 2021

## **Meeting of the Council**

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held remotely via Zoom (the links to the meeting are set out below) on **Thursday, 25 February 2021** commencing at **5.30 pm**

Join Zoom Meeting

<https://us02web.zoom.us/j/86730190808?pwd=ZmVQVCs5aDZoeDlseERhTkxmZ2JDdz09>

Meeting ID: 867 3019 0808

Passcode: 496049

One tap mobile

+442034815237,,86730190808#,,,,\*496049# United Kingdom

+442034815240,,86730190808#,,,,\*496049# United Kingdom

The items to be discussed at this meeting are attached.

Yours sincerely,



Anne-Marie Bond  
Interim Chief Executive

(All members are summoned to attend the meeting of the Council in accordance with the requirements of the Local Government Act 1972 and Standing Orders A5.)

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## **Together Torbay will thrive**

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**June Gurry, Town Hall, Castle Circus, Torquay, TQ1 3DR**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) - [www.torbay.gov.uk](http://www.torbay.gov.uk)

# Meeting of the Council Agenda

## 1. Opening of meeting

## 2. Apologies for absence

## 3. Declarations of interests

- (a) To receive declarations of non pecuniary interests in respect of items on this agenda

**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

- (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

**(Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

## 4. Communications

(Pages 5 - 7)

To receive any communications or announcements from the Civic Mayor to include an update on the activities of RAF Brize Norton (as detailed in the attached letter), the Leader of the Council, the Overview and Scrutiny Co-ordinator, the Council's representative on the Heart of the South West Joint Committee or the Interim Chief Executive.

## 5. Members' questions

(Pages 8 - 9)

To respond to the submitted questions asked under Standing Order A12.

## 6. Resource Management and Waste Strategy

(Pages 10 - 208)

To consider the recommendations of the Cabinet on the final proposed Resource Management and Waste Strategy (Policy Framework document).

7. **Community Engagement and Empowerment Strategy** (Pages 209 - 263)  
To consider the recommendations of the Cabinet on the final proposed Community Engagement and Empowerment Strategy (Policy Framework document).
8. **Council Tax 2021/2022** (To Follow)  
To consider the submitted report (to follow) on the setting of the Council Tax for 2021/2022.
9. **Torbay Council Annual Pay Policy Statement including Gender Pay Gap Report and Review of Pensions Discretions** (Pages 264 - 297)  
To consider the submitted report and the recommendations of the Cabinet on the above.
10. **Review of the Members Code of Conduct** (Pages 298 - 327)  
To consider the submitted report on a review of the Members Code of Conduct and the recommendations of the Standards Committee.

### **Instructions for the press and public for joining the meeting**

If you are using an iPad you will need to install Zoom which can be found in the App Store. You do not need to register for an account just install the software. You only need to install the software once. For other devices you should just be taken direct to the meeting.

### **Joining a Meeting**

Click on the link provided on the agenda above and follow the instructions on screen. If you are using a telephone, dial the Zoom number provided above and follow the instructions. (**Note:** if you are using a landline the call will cost up to 13p per minute and from a mobile between 3p and 55p if the number is not covered by your inclusive minutes.)

You will be placed in a waiting room, when the meeting starts the meeting Host will admit you. Please note if there are technical issues this might not be at the start time given on the agenda.

Upon entry you will be muted and your video switched off so that only the meeting participants can be seen. When you join the meeting the Host will unmute your microphone, ask you to confirm your name and update your name as either public or press. Select gallery view if you want see all the participants.

If you have joined the meeting via telephone, your telephone number will appear on screen and will be displayed for all to see until the Host has confirmed your name and then they will rename your telephone number to either public or press.

### **Speaking at a Meeting**

If you are registered to speak at the meeting and when it is your turn to address the Meeting, the Chairman will invite you to speak giving the Host the instruction to unmute your microphone and switch your video on (where appropriate) therefore please pause for a couple of seconds to ensure your microphone is on.

Upon the conclusion of your speech/time limit, the Host will mute your microphone and turn off your video.

**Meeting Etiquette for Registered Speakers - things to consider when speaking at public meetings on video**

- Background – the meeting is public and people will be able to see what is behind you therefore consider what you will have on display behind you.
- Camera angle – sit front on, upright with the device in front of you.
- Who else is in the room – make sure you are in a position where nobody will enter the camera shot who doesn't want to appear in the public meeting.
- Background noise – try where possible to minimise background noise.
- Aim to join the meeting 15 minutes before it is due to start.

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**From: Group Captain E J Flynn OBE ADC MA MEng CEng FIET RAF**  
Station Commander



**Royal Air Force Brize Norton**

CARTERTON  
Oxfordshire  
OX18 3LX

Tel: [REDACTED]

The Worshipful the Mayor of Torbay  
Councillor Maggie Douglas-Dunbar  
Torbay Council  
Town Hall  
TORQUAY  
TQ1 3DR

25 January 2021

Dear Madam Mayor,

Thank you for your e-mail dated 4 January 2021 requesting written information on the activities at Royal Air Force Brize Norton so that you might share it at your forthcoming Council meeting. I have set out below information that I hope you will find useful.

With its mixed fleet of aircraft, Royal Air Force Brize Norton provides rapid global mobility in support of UK and overseas operations and exercises, as well as Air-to-Air Refuelling for aircraft both on deployed operations and in support of UK Homeland Defence. The Station, the largest in the UK, is home to: 7 flying squadrons; four air mobility aircraft types; five RAF Reserve Squadrons; several units comprising logistics, medical, Force Protection, trials and evaluation, Legal and other specialists; as well as several industry partners. The Station's population comprises over 5500 service personnel, 300 civilian staff and 1200 contractors.

As the UK's primary military Airport of Embarkation, it is an extremely busy station. With passengers and cargo arriving by road and air on a 24-hour basis, 365 days a year, alongside an array of visitors, Royal Air Force Brize Norton is continually preparing for and delivering global Air Mobility Operations.

Summer 2020 brought a change of command for Royal Air Force Brize Norton with the departure of Group Captain Dan James ADC and the arrival of Group Captain Emily Flynn OBE ADC as the new Station Commander. We also introduced a new leadership structure, with the addition of a second Group Captain, Simon Blackwell OBE, in the new role of Commander Air Wing, responsible for the flying squadrons and parachuting.

However, like every element of industry and society, 2020 has been dominated by the COVID-19 pandemic. Protecting not only our personnel but also our operational output as well as supporting the COVID-19 response throughout the pandemic has been much of our focus.

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The Station supported civilian charter aircraft repatriating British Nationals from high risk Coronavirus areas. Our Air Mobility aircraft were extensively utilised to repatriate Service Personnel, their dependents and staff from other Government departments back to the UK from over 20 different countries. Royal Air Force Brize Norton-based aircraft were also on hand to transfer critically ill patients from remote parts of the UK to hospital facilities to receive the care they needed. Personnel from the Station have deployed in support of the NHS, developing Nightingale Hospitals, delivering equipment in the UK and overseas, assisting at testing facilities and, more recently, transporting vaccines to some of the UK's overseas territories.

Throughout the COVID-19 pandemic, the pace of other military operations and exercises has continued unabated. The Station has continued to enable, support and project air mobility effects globally in support, including sustained support to numerous deployed operations across the globe and the maintenance of higher readiness Air-to-Air Refuelling assets as part of UK Quick Reaction Alert. All of this has been achieved under COVID-19 restrictions. Some of the many achievements in the last year include:

- C17s enabled the move of a temporary field hospital to Accra in support of the World Food Programme.
- C130J Hercules from 47 Squadron joined forces with 16 Air Assault Brigade to deploy 250 paratroopers in Ukraine on exercise.
- A new World Record for the fastest flight between the UK and the Falklands Islands of 15 hours and nine minutes was set by one of our Voyager aircraft.
- A C130J delivered 63 tonnes of stores to the British Antarctic Survey.

In October 2020, RAF Brize Norton received the outstanding news that it had been awarded the 2019 Firmin Sword of Peace in recognition of its contribution to humanitarian activities by establishing good and friendly relations with the inhabitant of any community at home or overseas. Some of the activity which contributed to the award is as follows:

- The delivery of 20 tonnes of lifesaving aid to Mozambique.
- The deployment four Air transportable isolators to Sierra Leone to repatriate 8 patients at high risk of Lassa Fever, a highly contagious haemorrhagic fever similar to Ebola.
- Our A400M detachment in the Falklands was instrumental in the location and rescue of a capsized French sailing yacht some 500 nautical miles north of the Falkland Islands.
- The Station's contribution to local communities in 2019 in a multitude of ways including: Science, Technology, Engineering and Mathematics (STEM); Military co-responders who volunteer to support paramedics from the Ambulance Service; and, charity fundraising (over £166,000 in 2019).

The year was rounded off by the annual Remembrance commemorations. These felt very different in 2020. Held virtually, or in small socially distanced contingents, parades were cancelled up and down the UK. Since then, many of our personnel have remained at

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readiness to deploy across the country in support of the Government and local authorities throughout the Winter months as well as ensuring Royal Air Force Brize Norton remains operational no matter the circumstance.

2020 was certainly a year like no other. Whether facing the challenges brought by the global pandemic to every aspect of all our lives, supporting the national effort against COVID-19 or continuing to protect the UK and support our allies, I am incredibly proud of the way all Royal Air Force Brize Norton personnel have responded to this time of unprecedented challenge. We look forward to continuing to deliver in 2021.

On behalf of all at Royal Air Force Brize Norton, thank you to the members of Torbay council for your continued support of our activities. We are proud of our links with our communities and we look forward to continuing to build our relationship with you over the coming year.

Yours Sincerely,

A solid black rectangular box redacting the signature of the sender.

### Questions Under Standing Order A12

A member may only submit three questions for consideration at each Council Meeting. Each member will present their first question in turn, when all the first questions have been dealt with the second and third questions may be asked in turn. The time for member's questions will be limited to a total of 30 minutes.

#### First Round

<p>Question (1) by Councillor O'Dwyer to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>Could the relevant member please provide up to date figures around planning and local searches please with comparisons for the last year.</p> <p>Numbers of applications this financial year by month.</p> <p>Numbers completed in the relevant timescales depending on type of application including those with or without agreed extensions.</p> <p>Longest, shortest and average time taken.</p> <p>Percentage of delegation also.</p> <p>Appeal numbers won and lost.</p> <p>Costs awarded for and against up to date.</p> <p>Numbers of local searches requests undertaken.</p> <p>Current and comparable times taken to undertake those local searches.</p> <p>Our cost of searches this year and proposed.</p> <p>Along with all of the statutory and local targets and timescales for each answer.</p>
<p>Question (2) by Councillor Bye to the Cabinet Member for Economic Regeneration, Tourism and Housing (Councillor Long)</p>	<p>Could the relevant Cabinet member please tell me the number of new homes completed in Torbay in 2020 and 2019; if not too much trouble could they please advise the numbers from 2000 and explain what is being done to increase numbers in line with the recently approved Housing Strategy.</p>
<p>Question (3) by Councillor Thomas (J) to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>Proposed new parking regulations in Foxhole.</p> <p>An order was advertised on 11th November 2020 in the Herald Express and online at Devon Live, the closing date for representations was 1st December 2020. Despite these new regulations affecting many hundreds of residents across the Foxhole area, not a single representation was made - my concern is this is because nobody knew they were being consulted upon.</p>



	<p>Despite not a single letter or concern, the portfolio holder gave this scheme tacit approval and the scheme is now going ahead. No consultation with the community - a complete surprise and goes against everything that the administration stand for, with no surprises for the community.</p> <p>Now that this has come to light, and is clearly an error, will the portfolio holder put an urgent stop on this and ensure that the proper consultation does take place in order for residents to have a say in any scheme, before it is rolled out.</p>
<p>Question (4) by Councillor Atiya-Alla to the Infrastructure, Environment and Culture (Councillor Mike Morey)</p>	<p>Over the past couple of years myself, the residents of Ellacombe and the Torbay Community Development Trust have been working hard to re-establish the 65 bus service which included Ellacombe, St Marychurch and Hele. Can I be reassured that the new subsidy that the Council is introducing for this forthcoming financial year could be applied to support this bus service in Torquay?</p>

## Second Round

<p>Question (5) by Councillor Bye to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>What thought was given to a Children's Play Facility in Torquay similar to the hugely popular Geo Playpark at Paignton being included as one of the Town Deal projects?</p> <p>Especially given the Council's vision for a Family Friendly Torbay?</p>
<p>Question (6) by Councillor Atiya-Alla to the Cabinet Member for Infrastructure, Environment and Culture (Councillor Morey)</p>	<p>I understand that a new bid is being promoted by the MP's for Totnes and Torbay regarding opening up the rail line between Paignton and Churston to main line train services. Can the local authority advise what representations the MP's may have made in recent weeks around this new bid to the local authority and what does the Council see as the pros and cons around such a bid.</p>

**Meeting: Cabinet  
Council**

**Date: 18 February 2021  
25 February 2021**

**Wards Affected: All**

**Report Title: Resource Management and Waste Strategy**

**Is the decision a key decision?** Yes (Policy Framework)

**When does the decision need to be implemented?** ASAP

**Cabinet Member Contact Details:** Mike Morey, Cabinet Member for Infrastructure, [mike.morey@torbay.gov.uk](mailto:mike.morey@torbay.gov.uk), Tel: 01803 853316

**Supporting Officer Contact Details:** Ian Hartley, Service Manager for Waste & Natural Environment, [ian.Hartley@torbay.gov.uk](mailto:ian.Hartley@torbay.gov.uk) Tel: 01803 208695

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### **1. Purpose of Report**

To agree the Resource Management and Waste Strategy that was released for consultation from 28 September 2020 to 6 November 2020. The strategy has been revised to take into account the main themes that were identified from this consultation.

- 1.1 The table Appendix 1 shows the top 10 themes that were identified and as a result of these themes the strategy has been amended accordingly to take into account respondents concerns.
- 1.2 A summary of the consultation responses is available on the Council's Consultation Webpages

### **2. Reason for Proposal and its benefits**

- 2.1 Reflecting on the principles with the Community and Corporate Plan, our approach in delivering this Resource Management and Waste Strategy is described below.

**Enable our communities:** We will involve and empower Torbay's residents to take positive action to reduce the amount of waste we generate and increase our recycling rates and have a positive contribution to the climate emergency.

**Use reducing resources to best effect:** We will work to reduce the amount of waste that we generate in Torbay, reusing and recycling goods and materials wherever possible.

**Reduce demand through prevention and innovation:** We will put in place initiatives and mechanisms which aim to reduce the amount of waste we generate, in particular reducing the amount of residual waste that we dispose of.

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**3. Recommendation(s) / Proposed Decision**

That Cabinet recommends to Council:

That the Resource Management and Waste Strategy be approved.

**Appendices**

Appendix 1 – Resource Management and Waste Strategy

# Supporting Information

## 1. Introduction

- 1.1 At present Torbay Council has achieved a recycling rate of just over 40% which needs to be improved to attain budget savings, and a lower Carbon Impact. There are three main proposals that will take this service forward.

## 2. The first is to introduce a three weekly residual collection service.

- 2.1 Currently residual waste is collected fortnightly and recycling is collected weekly. Under the proposal in the strategy a trial will be undertaken to see if like other authorities, the nearest being East Devon, Torbay can implement a residual collection every three weeks for the properties that have sufficient room to accommodate this.
- 2.2 Weekly dry recycling and food waste collections would continue in these areas, but as has been seen so successfully elsewhere, by effectively reducing the residual capacity, residents have to find an alternative to just putting waste in the residual bin and consequently they look at what extra they can recycle. This additional material can be contained in the additional recycling boxes that will be supplied.
- 2.3 This will of course be backed up with a comprehensive communications programme to explain to residents how they can manage their waste, and those who feel they will struggle will be given help and advice.

## 3. Secondly the introduction of charging at the Household Waste Recycling Centre (HWRC)

- 3.1 This will bring Torbay in line with the rest of Devon, will ensure there is little or no trade abuse at the Tor Park Road site, and will generate income from the construction materials that are recycled.
- 3.2 Torbay Council only has a legal obligation to provide recycling centre facilities for household waste – waste arising from the day to day running of a household. Items resulting from the repair or improvement of houses, for example, DIY type waste, is classified as construction waste and there is no requirement for us to provide any service for the disposal of this material or accept it free of charge. This includes garden or other renovations outside the building, but on the same piece of Land owned by the householder.

## 4. The Third proposal is to offer an opt-in charged for garden waste doorstep service.

- 4.1 This will allow Torbay to collect more of the green waste on a separate collection increasing the recycling rate and further reducing disposal cost. This will work by charging a fixed annual fee with regular dedicated collection days, and again a service that is already successfully employed by most of the Devon authorities as well as many others in the rest of the UK.

4.2 Without these changes recycling tonnages will not improve, disposal costs will increase and the required budget savings will not be achieved. The Targets of the Climate Emergency will also be very unlikely to be achieved.

## **5. Financial Opportunities and Implications**

5.1 Initially it is likely that there will need to be a spend to save requirement as Waste recycling assistants will be employed to assist and educate those residents who are having difficulties with any of the new services. It is proposed that these extra staff members will only be required for a period of about two years while the new services are bedding in.

5.2 If the start of the project is managed correctly then the benefits gained later on will be maximised and the more that is recycled will see a greater saving not only on the disposal budget, but will achieve added recycling income.

5.3 The sorts of financial gains that are possible can be seen for each recycling material in the net gain table in the Waste Strategy report.

## **6. Legal Implications**

6.1 There are no legal implications to consider.

## **7. Engagement and Consultation**

7.1 These changes will impact on every resident across Torbay, which is why getting the communications and engagement correct is a fundamental part of this strategy.

7.2 A 6 week consultation on the draft strategy was held and amendments have subsequently been made..

7.3 The Community can play there part and it is hoped again like East Devon we can empower members of the public to become recycling champions who help to educate others and share their experiences, so that everyone can manage their waste to achieve high levels of recycling.

## **8. Purchasing or Hiring of Goods and/or Services**

8.1 Any required additional purchases will be managed in line with Torbay Council's procurement guidelines

## **9. Tackling Climate Change**

9.1 Torbay Council has achieved Zero waste to Landfill with the formation of the South West Devon Waste Partnership (SWDWP), including partners Plymouth City Council (PCC) and Devon County Council (DCC). All of Torbay's residual municipal waste is treated at the Combined Heat and Power Energy from Waste facility (EFW) in Plymouth under contract with MVV Umwelt. The heat and energy produced is used at the local Ministry of Defence, Devonport Dockyard, to achieve maximum environmental benefit, which is twice as good for climate change as Landfilling would be. So to summarise the waste that is collected for recycling is mainly recycled in the UK (see the appendices section at the end of this document), and any waste that is not recycled is sent to generate energy and heat.

- 9.2 No waste generated by Torbay's householders is sent to Landfill.
- 9.3 Across Torbay, specialised vehicles, with the most up to date energy efficient engines are used to collect weekly dry recycling in two 55 litre boxes and food waste in a 55 litre caddy. Residual waste is collected fortnightly, also in new vehicles with the most up to date energy efficient engines in a 240 litre wheeled bin. As soon as Electric vehicles are available that can cope with Torbay's hilly terrain and have a battery life that will operate at the required capacity, the authority will look to replace its current fleet with the most efficient and climate friendly vehicles available.

## **10. Associated Risks**

- 10.1 If the options in this revised strategy are not implemented then it is unlikely that Torbay will meet its Climate Emergency targets or its budget saving targets.

## Equality Impacts

11.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people			There is no differential impact
	People with caring Responsibilities			There is no differential impact
	People with a disability			There is no differential impact
	Women or men			There is no differential impact
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact
	Religion or belief (including lack of belief)			There is no differential impact
	People who are lesbian, gay or bisexual			There is no differential impact
	People who are transgendered			There is no differential impact
	People who are in a marriage or civil partnership			There is no differential impact
	Women who are pregnant / on maternity leave			There is no differential impact

	Socio-economic impacts (Including impact on child poverty issues and deprivation)		There is no differential impact
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)		There is no differential impact
10..	<b>Cumulative Council Impact</b> (proposed changes elsewhere which might worsen the impacts identified above)	No	
11.	<b>Cumulative Community Impacts</b> (proposed changes within the wider community (inc the public sector) which might worsen the impacts identified above)	No	



# Resource and Waste Management Strategy

2020 – 2023

DRAFT

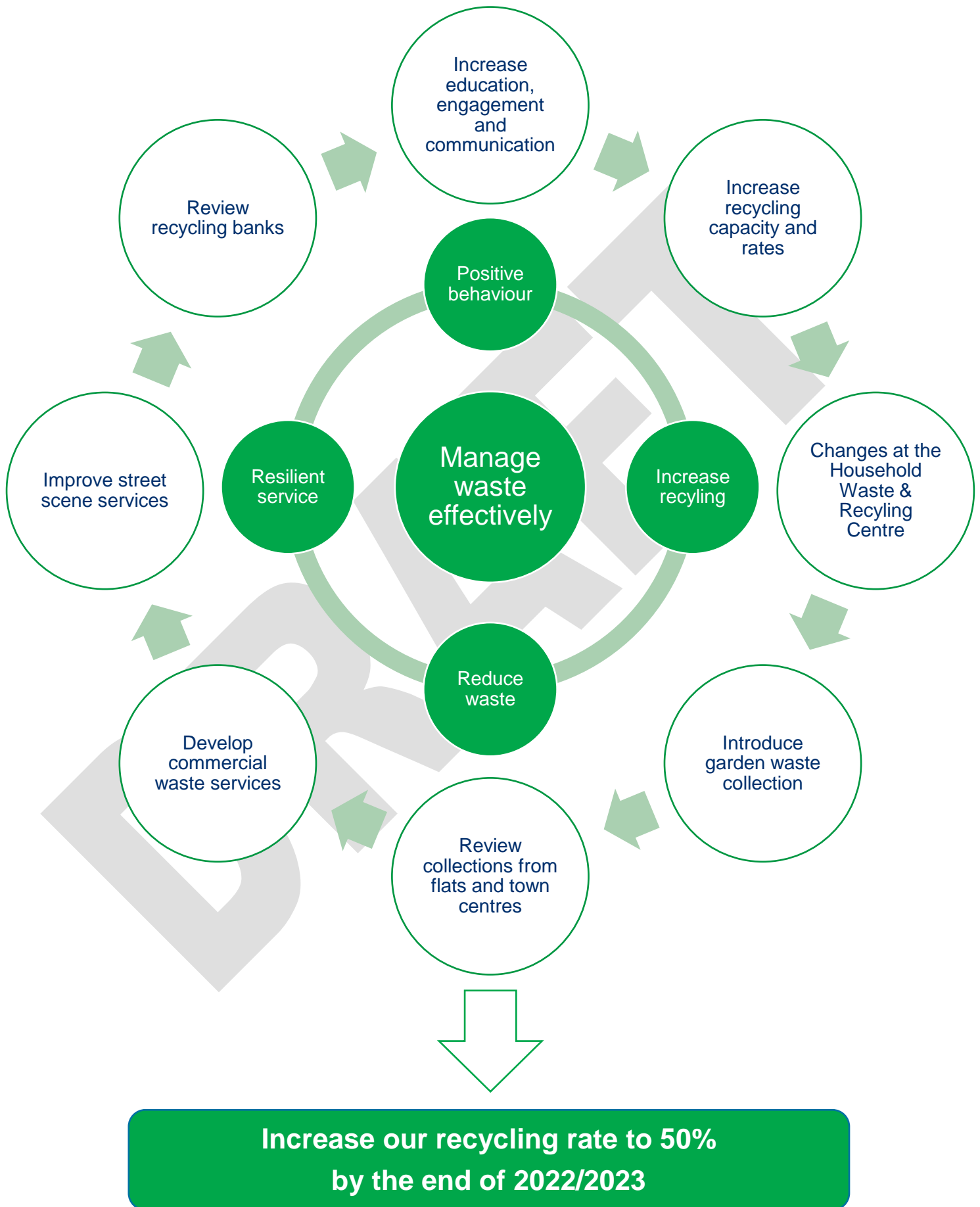
# Contents

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<b>Summary</b> .....	<b>3</b>
<b>Introduction</b> .....	<b>4</b>
The Waste Hierarchy.....	6
<b>The Local Context</b> .....	<b>7</b>
<b>The Regional Context</b> .....	<b>10</b>
<b>The National Context</b> .....	<b>11</b>
<b>Objectives, Principles and Aims</b> .....	<b>13</b>
Objective .....	13
Principles.....	13
Aims .....	13
<b>Reasons for Change</b> .....	<b>14</b>
The Climate Emergency .....	14
Improved customer experience .....	14
Financial benefits .....	15
<b>Making the Changes</b> .....	<b>17</b>
Action 1: Increase education, engagement and communication .....	17
Action 2: Increase recycling capacity and rates.....	18
Action 3: Changes at the Household Waste and Recycling Centre.....	18
Action 4: Introduce a garden waste collection service.....	19
Action 5: Review collections from flats, multiple occupancy buildings and town centres.....	19
Action 6: Develop commercial waste services.....	19
Action 7: Improve street scene services.....	20
Action 8: Review of recycling banks .....	20

# Summary

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# Introduction

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Torbay Council's previous waste strategy covered the period 2008 to 2025, but in this fast moving sector a refresh is long overdue.

Torbay's recycling rate as at year end 2019/20 is 40.2%. We want to increase this to 50% by the end of 2022/2023.

Torbay Council has achieved Zero Waste to Landfill with the formation of the South West Devon Waste Partnership, including partners Plymouth City Council and Devon County Council.

All of Torbay's recycling waste is processed within the UK and the residual municipal waste is treated at the Combined Heat and Power Energy from Waste facility in Plymouth under contract with MVV Umvelt. The heat and energy produced is used at the local Ministry of Defence, Devonport Dockyard, to achieve maximum environmental benefit (which is twice as good for addressing climate change as landfilling would be).

No waste generated by Torbay's householders is sent to landfill.

In 2019, Torbay Council declared a Climate Emergency alongside at least 230<sup>1</sup> other councils. We are all taking action to reduce our own carbon emissions, and working with partners and local communities to tackle the impact of climate change on their local area. The positive changes outlined in this Strategy will link to the priorities and actions within the Council's Energy and Climate Change Strategy as we work towards our ambition of becoming a Carbon Neutral Council.

We will continue to learn from others, including as a member of the Co-operative Councils Innovation Network. Our dedicated Climate Change Officer will work closely with the waste team to ensure any gains are maximised and that the communities and relevant Climate Change bodies are consulted going forward.

Across Torbay, we have invested in specialised vehicles, with the most up-to-date energy efficient engines, which are used to collect weekly dry recycling in two 55 litre boxes and food waste in a 23 litre caddy. Residual waste is collected fortnightly, also in new vehicles with the most up to date energy efficient engines in a 240 litre wheeled bin.

The new recycling fleet can collect more material in one pass, reducing the need for return trips to offload, saving time, fuel and carbon emissions.

As soon as electric vehicles are available that can cope with Torbay's hilly terrain and have a battery life that will operate at the required capacity, we will look to replace the current fleet with the most efficient and climate friendly vehicles available.

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<sup>1</sup> As at 28 August 2020

On 1 July 2020, Torbay Council formed an Arm's Length Company called SWISCo to directly manage not only the recycling and waste service, but all other services previously delivered by TOR2 (including Highways, Street Cleansing, Grounds Maintenance, and Fleet Management). We are committed to ensuring that SWISCo deliver the best possible services within Torbay and will work to promote continuous improvement and excellent service delivery for our residents and businesses, as well as the community as a whole.

In accordance with the Council's Community and Corporate Plan, this Resource and Waste Management Strategy will provide the framework to:

- Provide sustainable integrated waste collection and disposal services that protect human health and the environment.
- Identify efficiencies and deliver high quality, value for money in all waste management services, while achieving and exceeding government targets for waste.
- Manage materials as far as possible in accordance with the waste hierarchy, maximising the amount managed at higher levels of the hierarchy.
- Manage municipal waste, as far as possible, within the UK and seek to support the development of new local markets.
- Enable flexibility to allow for new technology developments and changing legislation.
- Continue to develop regional partnerships with other local authorities to achieve shared objectives, with a consistent approach.

# The Waste Hierarchy

The Waste Hierarchy (Figure 1) ranks waste management options according to what is best for the environment. It gives top priority to preventing waste in the first place. When waste is created, the hierarchy gives priority to preparing it for re-use, then recycling, then recovery and last of all disposal (such as landfill).

The Waste Hierarchy is central to strategies around recycling and waste management. Its application has also been established in legislation in the UK.

Throughout this Strategy we will seek to ensure that we are taking action at the highest level of the Waste Hierarchy as is possible. Ultimately, we are seeking to prevent the creation of waste in the first place and we will continue to work with our communities and local businesses, and add our voice to regional and national campaigns, to ensure that we prevent as much waste as possible.

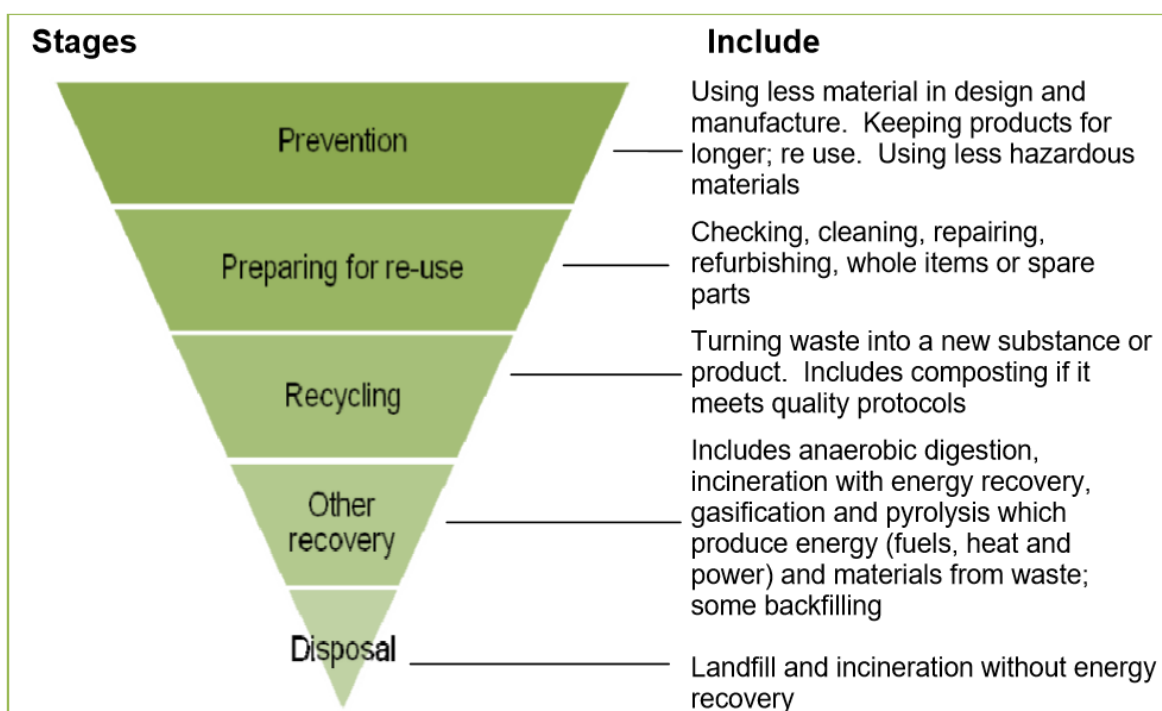
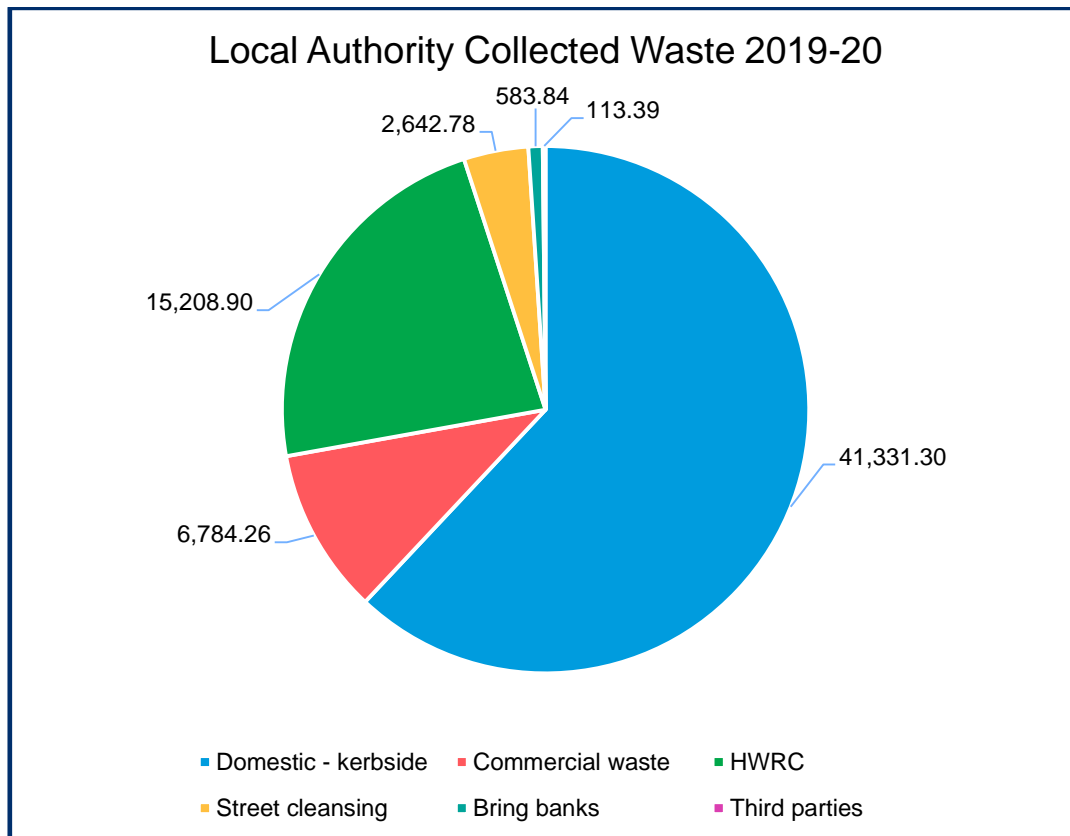


Figure 1: Waste Hierarchy



**Figure 2: Municipal Waste Arisings 2019-20**

In 2019-2020 Torbay Council managed over 65,000 tonnes of waste. Over 41,000 tonnes of this (62%) was collected directly from households using the kerbside collection services. A further 23% of the waste and recycling was brought to the Household Waste Recycling Centre. 10% is waste and recycling from commercial sources; 4% generated by street cleansing and 1% from bring banks and third party sources.

The amount of residual waste each household in Torbay disposes of each year has decreased from 754 kg per household in 2006/07, to 523 kg per household in 2019/20, a decrease of nearly a third.

This improvement is not unique to Torbay and can be attributed, in part, to the overall economic downturn of recent years. However, the change in recycling collection services (such as the introduction of weekly collections and expansion of materials collected for recycling) and introduction of food waste collection to households across Torbay in 2010, has also caused the amount of residual waste generated to decrease.

During this period, Torbay Council has run a variety of waste minimisation schemes, often working within partnerships. Notable successes include: The 'Watch Your Waste-line' and 'Love Food Hate Waste' food waste campaigns as well as a joint contract with the authorities who form the Devon

Authorities Strategic Waste Committee for face to face engagement with individual households, to encourage waste reduction and increased recycling. Torbay Council has also secured funding for the following projects, with the aim of increasing recycling levels and participation: WRAP food waste, Unilever increased plastic collections, DTS Waste Electrical and Electronic Equipment collections from the kerbside, Department for Communities and Local Government's Green Points recycling rewards, and Alupro metal recycling.

The percentage of household waste being reused, recycled, and composted in Torbay has increased from 28.08% in 2007/08 and stands at 40.2% in 2019/20. Although this increase is significant and should be celebrated, it should be noted that the recycling performance has not increased to the level that was anticipated and predicted at the time. The recycling rate for England in 2018/2019 was 45.1%

The amount of municipal solid waste being sent to landfill steadily decreased from 2006/07 until 2015/16, when a dramatic reduction in the amount of municipal waste being disposed of in landfill was experienced. This was due to the opening of the South West Devon Waste Partnership combined heat and power, energy from waste facility at Devonport in late April.

2016/17 was the first full year of operation of the facility and a further reduction in municipal waste landfilled resulted. In 2019/20 Torbay Council achieved the accolade of 'Zero to Landfill', demonstrating a movement of Torbay's waste management up the waste hierarchy.

A recent agreement with the South West Devon Waste Partnership means that all of Torbay's residual municipal waste (except asbestos) will be treated as part of the joint contract, which is expected to further improve Torbay's performance against this indicator. Prior to this the commercial waste was not included in the contract.

We have introduced an online appointment based booking system for the Household Waste and Recycling Centre and this gives intelligence relating to the number of residents using this site. It also allows control over vans using the site, limiting them to bringing the same amount of waste that could be put into a family car. The system allows for the monitoring of the frequency of visits to the site by any one household, acting as a deterrent for abuse of the site by commercial enterprises, helping to generate additional commercial waste income.

Housing growth within Torbay needs to be taken into account and the Torbay Local Plan 2012-2030 identifies the provision of 8,900 new dwellings. This is an average of 500 new properties per annum. As the number of properties increase there will be a need to expand the waste and recycling services including the purchase of new collection vehicles and employing additional staff.

As a Council and wider organisation, we are committed to working with our residents and communities and we recognise that this is essential if we are to increase our recycling rates. How we communicate with our residents will be improved and will include a number of different methods – from improving our website and increasing the use of social media (including new and emerging platforms such as Next Door) through to leaflets sent to residents and articles in local print media. We will work with partners across Torbay, including our schools and the business



community, in order to reduce the amount of waste we generate and increase the amount we recycle.

SWISCo, a Torbay Council wholly owned company, delivers waste and recycling services on behalf of Torbay Council.

The SWISCo business plan identifies the following strategic objectives;

- Increase the recycling rate.
- Create a performance focussed culture
- Innovate through greater use of technology
- Contribute to the climate emergency response by reducing carbon emissions.
- Empower residents, communities and partnerships to work together through community focussed educational campaigns and activity.

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# The Regional Context

This strategy aligns with the Devon Authorities Strategic Waste Committee’s Resource and Waste Management Strategy for Devon and Torbay, as well as that Committee’s Waste Reduction and Reuse Strategy. Torbay is an active member of the Committee although Torbay’s Resource and Waste Management Strategy is presented in a separate document to the rest of Devon’s, as Torbay differs from the rest of the partnership as it is a Unitary Authority.

With the potential for future local government reorganisation, Torbay will continue to seek to align its waste and recycling services with neighbouring authorities, so that collection methods and materials collected are more and more consistent. Within the Resource and Waste Management Strategy for Devon and Torbay, an aligned waste and recycling collection service is mooted as an aspiration for all local authorities forming the Devon Authorities Strategic Waste Committee.

The Figure 3 shows the most recent position regarding alignment of collections in all of the Devon district collection authorities including Torbay. If, in the future, there was to be the formation of a combined Devon Waste Authority having consistent recycling collections with very similar fleets of kerbside sort vehicles would help to ensure a smooth transition of services.



**Figure 3: Devon Authorities Strategic Waste Committee Aligned Option**

At the moment East Devon are the only Devon Authority to have a three weekly residual collection, but others are doing trials (for example, West Devon Borough Council) or planning them (for example, Exeter City Council).

We are proposing to undertake a trial of three weekly residual collections using lessons learnt from East Devon. They found that by ensuring increased levels of education and advice, residents found this collection methodology was possible even though there had been some initial opposition. East Devon now have one of the best recycling rates in the country at around 62%.

# The National Context

The UK Government has published a number of strategies which provide the basis for Resource and Waste Management across England for the next 25 years. These include:

- A Green Future: Our 25 Year Plan to Improve the Environment
- Our Waste, Our Resources: A Strategy for England and consultations on Extended Producer Responsibility, Plastic tax, Consistency of recycling services, Deposit Return Scheme
- Clean Growth Strategy
- Litter Strategy for England
- Rural Crime Strategy
- EU Circular Economy package
- Climate Emergency



The key high level UK targets arising from these documents include:

- Eliminate avoidable waste of all kinds by 2050
- 65% recycling rate by 2035
- Work towards all plastic packaging to be recyclable, reusable or compostable by 2025
- Eliminate avoidable plastic waste over the lifetime of the 25 year plan
- Double resource productivity by 2050
- Eliminate all biodegradable waste to landfill by 2030

## KEY MILESTONES

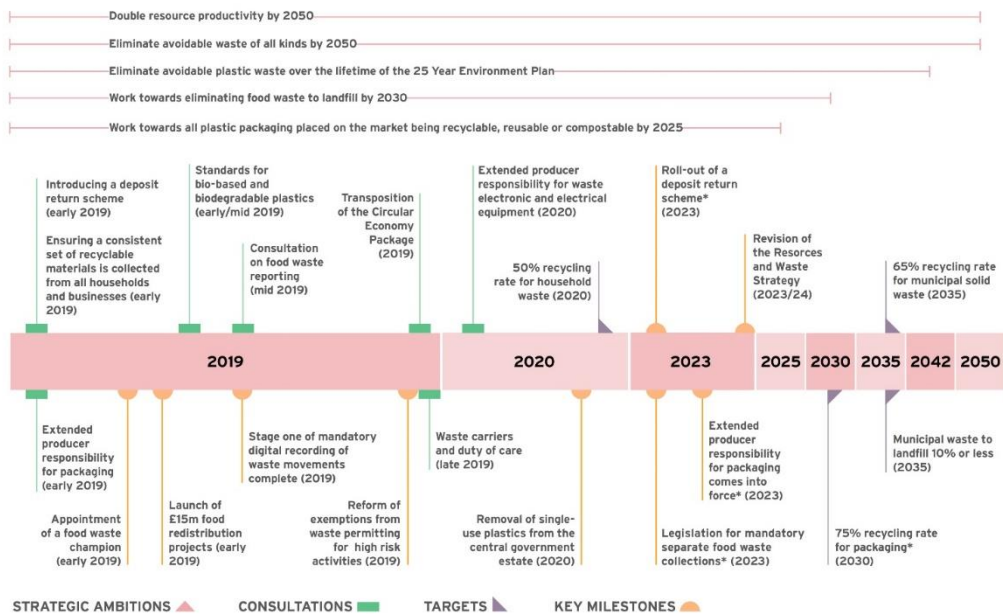


Figure 4: Government's Key Milestones for progress

In spring 2019 Central Government ran consultations on some of the key proposals within the strategy. A second round of consultations are expected in spring 2021. Responses to the consultations may change some of the detail of the proposals, but it has been made clear the cost of any new burdens for local authorities will be funded by central government through payments from those organisations that initially generate packaging.

The four proposals which are being consulted on are:

### **Consistent recycling collections**

To help drive up household and commercial recycling levels, the government will identify a consistent set of recyclable materials for collection in England (including separate food waste collection), no matter which part of the country people live in.

### **Deposit Return Scheme**

The government has proposed a Deposit Return Scheme that could operate for beverage containers, seeking to drive up their recycling rate as has been experienced in a variety of other countries.

### **Extended producer responsibility for packaging**

The cost of recycling or disposal of packaging will be borne by those that produce packaging waste and place it on the market. This will encourage large organisations like supermarkets to be innovative and reduce how much packaging they use for all of their products so that the consumer and, ultimately the local authority, will have less to recycle or dispose of. If these organisations fail to reduce their packaging they will have to pay for its collection and onward processing.

### **Plastic Packaging Tax**

From April 2022 a world-leading new tax on the production and import of plastic packaging with less than 30% recycled content will be introduced.

# Objectives, Principles and Aims

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## Objective

We will manage municipal waste within Torbay in accordance with the waste hierarchy to drive service improvements and efficiencies.

This means that, in order of priority, we will work to prevent waste being produced in the first place, enable the reuse of products, improve how much we recycle, ensure we recovery energy from waste and, as a last resort, dispose of waste.

## Principles

Reflecting on the principles with the Community and Corporate Plan, our approach in delivering this Resource and Waste Management Strategy is described below.

**Enable our communities:** We will involve and empower Torbay's residents to take positive action to reduce the amount of waste we generate, increase the reuse of products and increase our recycling rates.

**Use reducing resources to best effect:** We will work to reduce the amount of waste that we generate in Torbay, reusing goods and materials wherever possible.

**Reduce demand through prevention and innovation:** We will put in place initiatives and mechanisms (including improved education, engagement and communication) which aim to reduce the amount of waste we generate, in particular reducing the amount of residual waste that we dispose of.

**Integrated and joined up approach:** We will work to meet the Government's plans for resource and waste management and will seek to enable adoption of new legislation as and when it is introduced. We will work to ensure consistency of collections across neighbouring local authorities, aligning our Strategy with the Devon Resources and Waste Strategy and providing opportunities for partnership working towards shared objectives.

## Aims

In implementing this Strategy, Torbay Council aims to:

- Encourage positive behaviour change in order to facilitate management of waste further up the waste hierarchy within Torbay's households.
- Increase the recycling rate and contribute towards the national targets of 55% recycling by 2025 and 60% by 2030.
- Reduce the amount of waste sent for energy recovery and disposal, thereby reducing carbon emissions and the associated financial costs
- Develop a resilient service which can adapt to new technology and changing legislation.

# Reasons for Change

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## The Climate Emergency

In 2019, Torbay Council declared a 'Climate Emergency'. Torbay Council is a partner of and supports the work of the Devon Climate Emergency Response Group, which is aiming to produce a collaborative Devon-wide response to the climate emergency to help us get to net zero carbon emissions by 2050 at the latest and also prepare Devon for the necessary adaptation to infrastructure and services required to respond to climate change. This means that we have to create a truly circular economy which is more balanced, sustainable and with its main focus on a perspective that allows both humans and our planet to thrive.

The Energy and Climate Change Strategy for Torbay describes how we aim to help minimise the economic, social and environmental costs of climate change in the Bay by demonstrating leadership and providing encouragement in working toward emission reductions and resilience to our changing climate.

The Torbay Resources and Waste Strategy will seek to support a path towards carbon neutrality by 2050 and will seek to consider the amount of embedded carbon in the materials that are collected for recycling and the environmental benefit of recycling as opposed to extraction of raw materials to produce new products.

The actions described in the next section will enhance Torbay's position with regard to its Climate Emergency targets and already being a Zero to Landfill authority shows that we have started to move in the right direction.

With the Waste Hierarchy being one of the principle drivers, we want to work with our residents and communities so that they rethink how we use resources. Can we do without something we have always taken for granted? If we do still need it, how can we make sure it is reused or recycled when we no longer need to use it?

Our waste service will drive this behaviour change and through proper education and advice we want to work with our residents, businesses and communities so that they strive to help us to achieve these aims.

## Improved customer experience

We recognise that the recycling and waste service our residents have received in the past has not been good enough. Part of the reason for setting up SWISCo was so that, as a Council, we can have a better control of the services we provide.

Through improved management and better use of technology, the recycling and waste service will be improved. We have in place a new, more efficient fleet of vehicles with in-cab technology. This will mean that we will be able to gather data in real time – allocating resources quickly to deal with missed collections and any unexpected increases in recycling and waste.

We will improve how we communicate with our residents, customers and communities, including how we engage to encourage changes in behaviour. Our customer services will be improved and we will provide up-to-date information in a range of formats.

We also recognise that this will not be a five minute fix. We are committed to ensuring that we reach our recycling targets as well as providing a resilient, sustainable service going forward.

## Financial benefits

Waste disposal is one of the biggest costs faced by Torbay Council. Reducing the costs of disposing of waste, whilst at the same time ensuring that the true cost of services are charged appropriately, will enable that money to be spent on other services valued by our residents. Reduction of the residual waste stream has the greatest potential for delivering savings whilst also pushing the management of waste further up the hierarchy.

Recovering more materials for recycling will immediately reduce costs, and gives a double benefit because in most cases the material is recovered as recyclate which will have an associated income.

For example for every tonne of aluminium that is diverted from residual waste to recycling a saving of approx. £95 is made and an income of £818 gained, giving a total net gain of £913. Materials prices are specific to each material type and are also subject to market forces, which can affect the price obtained. Aluminium has the highest material value, but as shown in figure 5 below, even if there is no income to be gained from the recyclate, recycling is a more cost effective option than disposal in all these material cases.

Factors such as haulage costs and additional collection resources would impact on the total cost saving that could be achieved. In addition, recycling helps to prevent the extraction of raw materials, resulting in carbon savings.

<b>Material</b>	<b>Disposal Cost/Tonne</b>	<b>Income/Tonne</b>	<b>Total Net Gain</b>
	<b>£</b>	<b>£</b>	<b>£</b>
<b>Paper</b>	95	55	150
<b>Cardboard</b>	95	13	108
<b>Textiles</b>	95	0	95
<b>Glass</b>	95	12	107
<b>Plastics</b>	95	44	139
<b>Steel cans</b>	95	109	204
<b>Aluminium cans</b>	95	818	913
<b>Food waste</b>	95	-10	85
<b>Green waste</b>	95	-22.50	72.50
<b>Waste Electrical and Electronic Equipment</b>	95	0	95

Figure 5: Cost Benefits of Recycling

With the current recycling rate of 40.2%, every 1% improvement in the recycling rate means we capture approximately an extra 500 tonnes of waste so to get to 50% recycling rate would be a realistic target.

Therefore a 5,000 tonne improvement over a period of two to three years should be achievable and this would not only give a financial benefit of £475k in disposal savings, but would also provide an income benefit from the sale of recycled materials. The income predictions over the next few years are extremely difficult to forecast, as the markets are highly volatile, especially with the uncertainty of COVID-19.

The disposal saving is much more certain due to the disposal contract that is in place with the Energy from Waste plant in Plymouth, but what is clear is that by recycling more the financial gains are significant.

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# Making the Changes

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## Action 1: Increase education, engagement and communication

We will develop and deliver a new education programme to be delivered across the whole Bay. By improving the way that residents separate and present their recycling for collection, collection round efficiencies can be achieved.

New Recycling Co-ordinators will be the first point of contact for residents with problems with the collection of any of their waste. They will be available by phone or email and will make a face-to-face visits if required. The Recycling Co-ordinators will advise how each household can recycle as much as possible and will help with issues when service changes are introduced.

The Recycling Co-ordinators will be part of the Collection Team and will be available to ensure that collections are as efficient and as clear to residents as possible. Their goal will be to achieve more recycling and reduce disposal at our Energy from Waste plant.

We will provide clear information (in a range of formats) to explain to residents the variety of items which can be recycled. In particular we will promote food waste collections more widely and work to facilitate increased uptake of the service. We will also promote the range of services available in order to make recycling and waste disposal as effective and efficient for our residents as possible. This will include the option for further recycling containers and the bespoke options that are available to dispose of nappy and/or medical waste.

New technology will identify those households who recycle very little and help and support to increase participation in recycling services will be provided in a way that is tailored to their needs.

Current high performing recyclers will be provided with more detailed information about the recycling service so that their recycling behaviour can be maximised and to encourage reduction of waste through changes to their consumer behaviour. We will work with these households to help to increase efficiency of recycling and waste services, for example by providing stickers for their recycling containers showing how materials can be separated to aid collection.

We will give confidence to our residents that the material that is presented for recycling is in the majority of cases recycled within the UK and is made into new materials, saving the production of raw materials and positively supporting the Climate Emergency.

We will work with our residents to make it as easy as possible for our collection crews, thereby increasing the efficiency of the collection rounds. In turn this will increase the tonnages that can be collected on each round, meaning that the rounds will be more resilient to anticipated increases in the amount of materials that are separated for recycling by residents.

We will improve engagement and communication with collection crews, helping them to understand why we are making changes and what the desired outcomes are – our crews are pivotal to the success of service changes.

We will work to make the collections as fast as they can safely be and gain further efficiencies that can only be achieved from the investment in both vehicles and technology.

Enforcement will be a method of last resort as it is hoped that with the right communications and help offered to all, that the majority of households will assist us to achieve better recycling rates as we work together to become carbon neutral.

## **Action 2: Increase recycling capacity and rates**

We will introduce an additional recycling box which will increase the capacity of containment per year by 940 litres (which is a 15% increase).

Practical advice will be given to help with containment capacity, such as squashing plastic bottles and flattening cardboard, to reduce the volume of the recycling which will then fit into less containers.

We will raise awareness of what households are wasting and help them to reduce the amount of waste that they generate. In particular, we will focus on encouraging residents to separate food waste from their residual waste. Food waste will continue to be collected weekly, meaning that issues around odours, maggots and vermin will be reduced to a minimum.

We will work in partnership, both locally with the Devon Authorities Strategy Waste Committee's 'Don't Let Devon Go to Waste' campaign and nationally, as part of the Waste and Resources Action Programme's 'Love Food Hate Waste' Campaign.

If residents find that they do not have sufficient capacity in the recycling containers for all of the materials they present, additional containers will continue to be supplied. We will ensure that the sorting and collection of recycling containers is as efficient as possible.

Increasing the amount of recycling generated by households and collecting this weekly will mean that the amount of residual waste generated will be reduced. This will mean that we can look to trial a reduction in the frequency of residual waste collections – providing further incentive to divert material that is not being recycled from the residual bin to the recycling containers. If the evidence from that trial shows that there are increases in recycling as a result, we will consider how the scheme can be rolled out in appropriate parts of Torbay.

To support any changes to the frequency of residual waste collection, we will develop operational waste collection policies, including a robust side waste policy with associated reporting by collection crews, which will help to target support to the correct households. Controls over residual waste delivered to the Household Waste Recycling Centre will also be implemented.

## **Action 3: Changes at the Household Waste and Recycling Centre**

We have brought Torbay into line with the rest of Devon through the introduction of charges at the Household Waste and Recycling Centre (HWRC) for certain types of non-household waste.

Charges are applied for the disposal of construction, demolition and other non-household materials (including plasterboard, rubble, tyres, asbestos, plastic guttering and downpipes, plastic

replacement windows and bathroom and toilet fixtures and fittings, such as toilets, sinks, baths and showers).

We will also prohibit the disposal of black bags at the HWRC and instead require that all waste is separated for recycling prior to arrival at the site. Again, this will bring Torbay in line with the rest of Devon.

The frequency of the visits to the HWRC has been increased to four in any one month to allow for properties who generate large amounts of garden waste. Anyone generating more waste than this will need to make contact with SWISCo and discuss their requirements.

#### **Action 4: Introduce a garden waste collection service**

We will introduce an opt-in, charged-for garden waste collection service which will bring about further consistency of services with neighbouring local authorities. This will reduce the amount of green waste that is put into the residual bin and will lead to an improvement in Torbay's recycling rates.

This will require further investment in vehicles and containers as currently the fleet does not have the capacity to make these collections. Additional drivers will also be required to facilitate this service.

#### **Action 5: Review collections from flats, multiple occupancy buildings and town centres**

We will review the waste and recycling collections from flats, buildings of multiple occupancy and town centre properties.

We will work with residents and landlords to overcome the barriers to recycling which may include difficult access to storage areas, poor design of waste storage areas, bad signage to guide separation, lack of space inside the properties to store recycling separately from residual waste, social deprivation and contamination by other residents.

We will continue to provide standing advice to developers who are looking to build or convert properties into flats, helping to ensure that new developments are provided with adequate space and suitable design to encourage high levels of participation in recycling.

#### **Action 6: Develop commercial waste services**

We will work in partnership with SWISCo to develop the commercial waste and recycling customer base within Torbay.

We will work to manage commercial waste further up the waste hierarchy, encouraging the prevention of waste in the first place and making the recycling service more desirable to commercial customers. We will work with partner organisations in the public, private and community sectors to promote recycling so that we provide a model for changing behaviour.

As a Unitary Authority, Torbay Council has a statutory responsibility for the collection and disposal of commercial waste from businesses who are unable to find any other collection contractor. SWISCo will review commercial waste collection charges in these circumstances to ensure that the true cost of collection and disposal is recovered from the charges made.

SWISCo will also consider the range of materials that are accepted for recycling from commercial customers at the Tor Park Road site, with a view to reducing the commercial waste disposal cost as far as possible and diverting as much commercial waste as possible for recycling.

Investment in in-cab technology for commercial waste and recycling services will provide SWISCo with more intelligent data to inform service developments and to help manage customer expectations.

We will review the charging structure to ensure that the true cost of collection and disposal is recovered from all customers. This will include identifying self-catering holiday accommodation to ensure that domestic services are not used.

### **Action 7: Improve street scene services**

We will undertake a complete review of our litter, street cleansing and fly tipping services, which are also undertaken by SWISCo on behalf of the Council. We will make use of new technology and innovation to make these services more efficient, as well as more reactive to immediate emergency needs. They are intrinsically linked to the household waste collection service and as such each service needs to complement each other by working closer and sharing of reduced resources.

We will ensure that litter bins in high traffic areas allow for the separation of waste, ensuring that our residents and visitors can recycle their waste when they are out and about.

Through our new Environmental Enforcement Service, we will proactively challenge fly tipping and littering across Torbay, enforcing as necessary to ensure that our built and natural environment is protected.

### **Action 8: Review of recycling banks**

We will review the current recycling bank provision and consider putting additional recycling banks for materials such as cardboard, plastic and cans. This could help those with little room in or outside their property, but who want to do their bit for the climate emergency and recycle as much as they can.

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This document can be made available in other languages and formats.

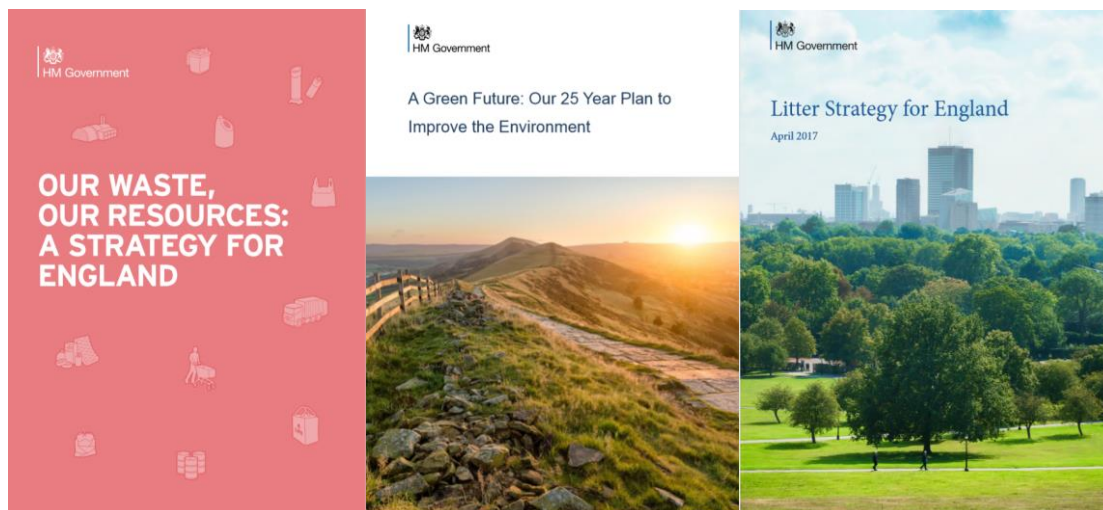
For more information please contact [waste&recycling@torbay.gov.uk](mailto:waste&recycling@torbay.gov.uk)

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### Appendix 1 – National targets

Within the last 3 years, the UK Government has published a number of strategies which provide the basis for Resource and Waste Management across England for the next 25 years. These include:

- 25 year Environment Plan
- Government Resource and Waste Strategy for England (RWS) and consultations on Extended Producer Responsibility, Plastic tax, Consistency of recycling services, Deposit Return Scheme
- Clean Growth Strategy
- Litter Strategy
- Rural Crime Strategy
- EU Circular Economy package
- Climate Emergency Declarations



The Government RWS (<https://www.gov.uk/government/publications/resources-and-waste-strategy-for-england>) was published in November 2018, its key areas of focus are:

- 1) *Sustainable Production – i.e. Extended Producer Responsibility*
- 2) *Helping consumers take more considered actions – i.e. sustainable purchasing*
- 3) *Resource recovery and waste management – i.e. recycling consistency, food, partnerships, efficient Energy Recovery Facilities*
- 4) *Tackling waste crime*
- 5) *Cutting down on food waste*
- 6) *Global Britain: international leadership*
- 7) *Research and innovation*
- 8) *Measuring progress: data, monitoring and evaluation*

The key high level UK targets emanating from these include:

- Eliminate avoidable waste of all kinds by 2050
- 65% recycling rate by 2035
- No food waste to landfill from 2030
- To work towards all plastic packaging to be recyclable, reusable or compostable by 2025
- Eliminate avoidable plastic waste over the lifetime of the 25 year plan
- Double resource productivity by 2050
- Eliminate all biodegradable waste to landfill by 2030

# Agenda Item 6 Appendix 3

Material	If disposed cost per ton	Material income or (cost) per ton	Net saving per ton	Current Tonnage recycled	% of residual waste	Potential tonnage available in residual waste
Food	95	-10	£85	2880	22.12%	6098
Glass	95	12	£107	3912	1.97%	543
Paper	95	55	£150	3033	2.87%	791
Cardboard	95	13	£108	2575	2.07%	571
Steel Cans	95	109	£204	385	1.53%	422
Aluminium Cans	95	818	£913	155	0.61%	168
Plastic mixed	95	44	£139	1123	4.07%	1122
Textiles	95	0	£95	238	4.88%	1345
Garden Waste	95	-22.50	£73	5540	12.40%	3418
Waste Electricals	95	0	£95	340	0.40%	110
				20181	52.92%	14589

Kerbside residual waste tonnage 2019/20

27568

Potential Torbay recycling saving
£518,334
£58,111
£118,680
£61,631
£86,045
£153,534
£155,960
£127,805
£247,836
£10,476
<b>£1,538,413</b>

Impact of recycling (TCO2eq/t)	Potential Recycling Carbon Saving TCO2eq
-0.07	-426.86
-0.76	-412.75
-0.55	-435.16
-0.55	-313.86
-9.97	-4205.25
-9.97	-1676.60
-0.54	-605.89
-5.83	-7843.21
<b>unknown</b>	
<b>unknown</b>	
<b>-15919.58</b>	

	421	385
	169	155
1.53	590	540
0.61		
2.14		

4.6 tonnes per vehicle equivalent  
-3460.78 cars off the road for the year



71%  
29%

# Where does your recycling go?



## Green Waste - Paignton

Composted and then used instead of a chemical fertiliser in agriculture.

garden waste



## Aluminium Cans - Warrington, Cheshire

Melted down and used to make new cans.

aluminium cans



## Paper - Kings Lynn, Norfolk

Recycled into paper for newspapers and for energy production.

mixed paper & card



## Cooking Oil - Newton Abbot

Refined and processed into biodiesel fuels.

cooking oil



## Glass - Kirby-in-Ashfield, Nottinghamshire

Recycled into glass bottles and jars.

mixed glass bottles & jars



## Food Waste - Holsworthy, Devon

Anaerobic digestion, producing biogas used to generate power, provide heat and produce compost.

food waste



## Wood - Winkleigh, Devon

Shredded and reprocessed for use in board manufacturing and animal bedding.

wood & timber



## Tyres - Castle Cary, Somerset

Shredded, granulated and remade into soft surfaces for play and horse training areas.

tyres



## Batteries - Lutterworth, Leicestershire

Broken down and toxic heavy metal recovered for reprocessing.

batteries



## Cardboard & Tetra Pak - Caerphilly, Wales

Recycled into new cardboard packaging.

cardboard



## Plastic - Manchester

Recycled into new plastic food packaging.

plastic bottles



## Metal - Wokingham, Berkshire

Broken down into component parts and metals and plastics re-used.

scrap metal

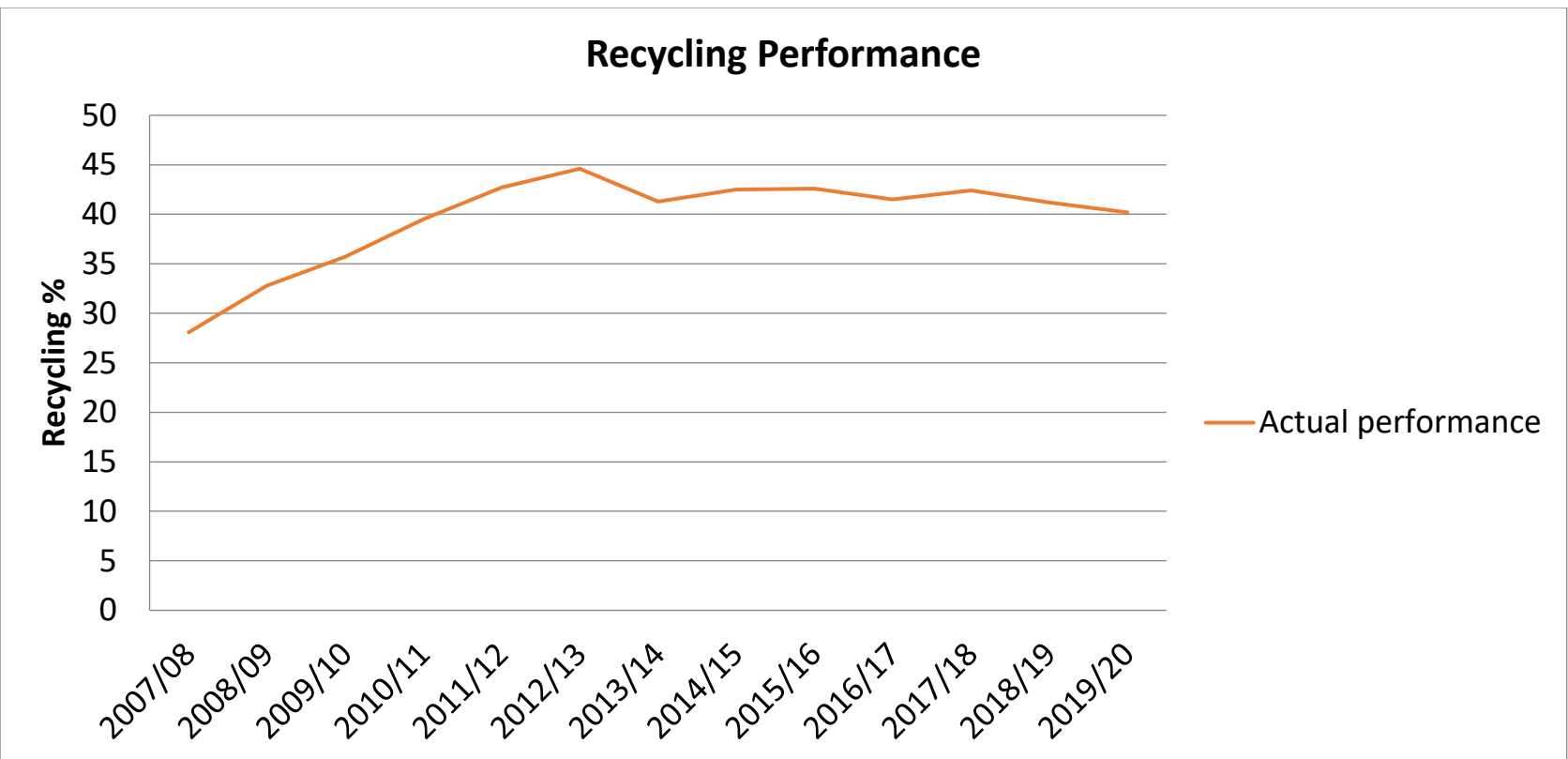
[www.torbay.gov.uk/recycling](http://www.torbay.gov.uk/recycling)

## Collection performance of TOR2/SWISCo in 2020

This is the number of missed collections reported by the public – therefore not all may be genuine missed collections i.e. waste not presented on time, incorrect items put in recycling boxes.

While 5,475 might seem like a lot, it has to be taken in perspective that during this reporting period both TOR2 and since July 1<sup>st</sup> SWISCo have undertaken 5,040,000 individual collections between them and only 0.11% have been reported as missed.

Type	January	February	March	April	May	June	July	August	September	October	Totals	Collections	%
Residual	164	212	127	129	94	145	168	213	224	189	1,665	3,120,000	0.05%
Recycling	730	306	256	279	293	374	365	490	422	295	3,810	1,920,000	0.20%
	<b>894</b>	<b>518</b>	<b>383</b>	<b>408</b>	<b>387</b>	<b>519</b>	<b>533</b>	<b>703</b>	<b>646</b>	<b>484</b>	<b>5,475</b>	<b>5,040,000</b>	<b>0.11%</b>





## Torbay Kerbside Residual Waste Composition Analysis

Devon County Council

Summary Report  
November 2017



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<b>Project details and acknowledgements</b> .....	<b>- 3 -</b>
Acknowledgements.....	- 3 -
Accuracy Statement.....	- 3 -
<b>Introduction</b> .....	<b>- 4 -</b>
Background .....	- 4 -
Objectives.....	- 4 -
<b>Executive Summary</b> .....	<b>- 5 -</b>
Key findings – Torbay averages.....	- 5 -
Kerbside residual waste.....	- 5 -
<b>Residual Waste</b> .....	<b>- 6 -</b>
<b>Set out rates and waste generation levels</b> .....	<b>- 6 -</b>
<b>Compositional analysis of residual waste</b> .....	<b>- 6 -</b>
Organic Waste .....	- 9 -
Paper .....	- 11 -
Card & Cardboard.....	- 12 -
Plastics.....	- 13 -
Metals.....	- 14 -
Glass .....	- 15 -
Textiles .....	- 16 -
Hazardous Items (HHW) & WEEE .....	- 17 -
WEEE .....	- 17 -
HHW .....	- 17 -
Disposable Nappies & AHP waste.....	- 17 -
<b>Current recyclability of the residual waste</b> .....	<b>- 18 -</b>

## Project details and acknowledgements

<b>Title</b>	Torbay Residual Waste Composition Analysis
<b>Client</b>	Devon County Council
<b>Project number</b>	17117
<b>Client reference</b>	-
<b>Author</b>	Philip Wells
<b>Research Manager</b>	Philip Wells

### Acknowledgements

M·E·L Research would like to thank Local Authority officers and staff who participated and helped in the setup and fieldwork stages of the project, and those who provided additional data and other information to inform the project. This report highlights key results, presents the results in tables and charts and discusses the findings. The views and opinions expressed in this report are those of M·E·L Research Ltd. and are not necessarily shared by officers from Torbay Council or Devon County Council.

### Accuracy Statement

Results from the standard M·E·L sampling protocol for compositional analysis can be taken as accurate for each material category to within error bands of +/-10% at the 95% confidence level (2 standard deviations), assuming a normal statistical distribution. At the data entry stage, 1 in 10 parts of data that is inputted are checked with the data sheets and if errors are found all the data is then rechecked.

# Introduction

## Background

The Devon Districts and DCC last had a waste composition analysis of domestic kerbside Residual Waste carried out in 2012. Given the changes in collection regimes and waste prevention work that has taken place over the last 5 years DCC commissioned M.E.L Research Ltd to perform a comprehensive analysis.

Devon has eight city/district/borough councils, which are the Waste Collection Authorities (WCA). They are responsible for collecting household waste for recycling and disposal. Devon currently has a combined recycling and composting rate of 55.1% (2015/16). M·E·L Research were commissioned to undertake an analysis of the residual waste from selected kerbside properties. Results from the eight authorities that form the Devon County Council area are presented in a separate report.

This report presents the findings for the waste analysis performed in the Torbay Council area, which is the local authority of Torbay in Devon, and is a unitary authority. It has a combined recycling and composting rate of 42.6% (2015/16).

As well as giving indications as to the current amount of waste being generated, this report also provides observations on the levels of materials that are currently recyclable at the kerbside and those which could potentially be recyclable via future schemes. The sampling regime involved the direct collection and compositional analysis of waste from a target of 200 properties representing four of the five main socio-demographic categories (Acorns) for Torbay. Results could therefore be weighted to give a better picture of the waste being collected within the authority as a whole. Waste was surveyed during October 2017.

## Objectives

Specific aims of the work were to:

- Understand, using socio-demographic profiling which sectors of the community are producing what type of waste,
- provide a breakdown of the material currently in the residual waste
- identify levels, and types of waste being produced by different households using ACORN classification.
- identify materials within the residual waste which could be consigned to the recyclable waste stream
- identify any additional materials that could be included in future recycling schemes
- and, to inform on specific waste materials where more concentrated efforts may need to be made to remove a greater amount of them from the residual waste.



# Executive Summary

## Key findings – Torbay averages

### Kerbside residual waste

- On average, 69% of households sampled throughout Torbay presented residual waste for collection.
- In terms of waste generation, households were setting out an average of 4.84kg/hh/wk (6.97kg/hh/wk for those presenting waste).
- Food waste was seen to be the major component of residual waste forming 22.1% of the total, equating to 1.07kg/hh/wk. Of this food waste 9.9% was deemed to be packaged with 30.3% home compostable.
- 79.5% of all food in the residual waste was deemed to be avoidable.
- 12.4% or 0.60kg/hh/wk of the residual waste came from garden vegetation
- Paper items made up 9.3% of the residual waste; 30.8% of this (0.14g/hh/wk) was alternatively recyclable at the kerbside.
- Card and cardboard made up around 3.1% of collected residual waste; 67.5% of this (0.10kg/hh/wk) was alternatively recyclable at the kerbside.
- Plastics formed 15.2% of the residual waste; 26.9% of all plastic waste (0.20kg/hh/wk) was due to recyclable plastic bottles and containers.
- 3.8% of residual waste was metallic; 57.1% of this (0.10kg/hh/wk) was recyclable in the mixed recycling.
- Around 2.5% of residual waste was seen to be glass; 77.8% of this (0.10kg/hh/wk) was due to glass bottles and jars.
- 6.2% of residual waste was due to textiles; 79.0% of these items (0.24kg/hh/wk) were seen to consist of reusable clothing and linen that could have been recycled.
- 0.5% of residual waste was deemed to be either Hazardous or WEEE. An additional 7.7% consisted of disposable nappies and AHP waste.
- In total, 2.56kg/hh/wk or 52.9% of the residual waste surveyed across Torbay was of a type that could have been recycled by current schemes.

## Residual Waste

### Set out rates and waste generation levels

Each of the four Acorn samples taken was formed from 50 target households of the dominant Acorn type. Therefore, around 200 households were selected for Torbay with the set out relating to the proportion of these households actively placing out their waste.

The amount of waste in kilograms per household per week is collected from each sample of 50 households, not just those that are participating. The number of households setting out each waste container across all 50 households is recorded with the aim of collecting all presented waste and recycling. In some instances it is not possible to collect all presented waste (resident refuses, bins have H&S issues or total collected waste exceeds vehicle capacity). The collected waste is bulked for sorting as a single sample. The amount of collected waste can then be adjusted by the set out rate for any sample where not all presented waste was collected.

Torbay households have a fortnightly collection of residual waste using wheeled bins. On average (individual figures for Acorn samples are contained in a data appendix), 69% of households surveyed throughout Torbay set out their residual bins for collection.

From observed results, the level of residual waste being disposed of at the kerbside was 4.84kg/hh/wk. Solely considering presenting households, the average amount of waste generated is 7.00kg/hh/wk.

### Compositional analysis of residual waste

This section looks at the average amount and composition of the residual waste presented by the various socio-demographic households sampled throughout Torbay. Hand sorting of the residual waste gave concentration by weight figures for the main categories of waste as well as the more detailed sub-categories. Looking at the concentration percentages gives an indication as to the proportions of each waste category. This can be translated into a figure relating to the average waste generation expected for each waste category; this is given in kilograms per household per week (kg/hh/wk). By knowing the composition of waste from the various samples, it is possible to gain an insight into the make-up of the residual waste that can be expected as a whole. Detailed composition tables can be found in a separate data appendix. Figure 1 shows residual waste data in terms of percentage composition with Figure 2 showing generation rates for major materials in terms of kg/hh/wk.

All residual waste will contain a proportion that is classified as potentially recyclable. That is to say that it should have been placed into one of the recycling receptacles available for residents:-

Residents currently two black boxes for the collection of mixed recyclables which are collected on a weekly basis. Box 1 is for the collection of the following materials -

- **Paper** - including Yellow Pages, junk mail, all types of envelopes and shredded paper
- **Plastic** - All empty plastic bottles, margarine tubs, yoghurt pots, ice cream tubs, clear plastic fruit containers
- **Metals** - Food tins, drink cans, aerosols, large tins
- **Textiles** - clean dry clothes, clean dry sheets, clean dry towels and pairs of shoes.
- **Batteries** - all household batteries, button batteries, hearing aid batteries, car batteries, laptop batteries, phone batteries.
- **Printer Cartridges** - all printer Ink Cartridges

Box 2 is for the collection of the following materials -

- **Glass** - mixed glass bottles and jars.
- **Metals** - foil packaging, aluminium food trays, tin foil.
- **Cardboard** - any cardboard, cereal boxes, cardboard tubes.
- **Cartons** - food and drink cartons, fruit juice cartons.
- **Oil** - cooking oil and engine oil
- **Mobile phones** - all types of mobile phone.

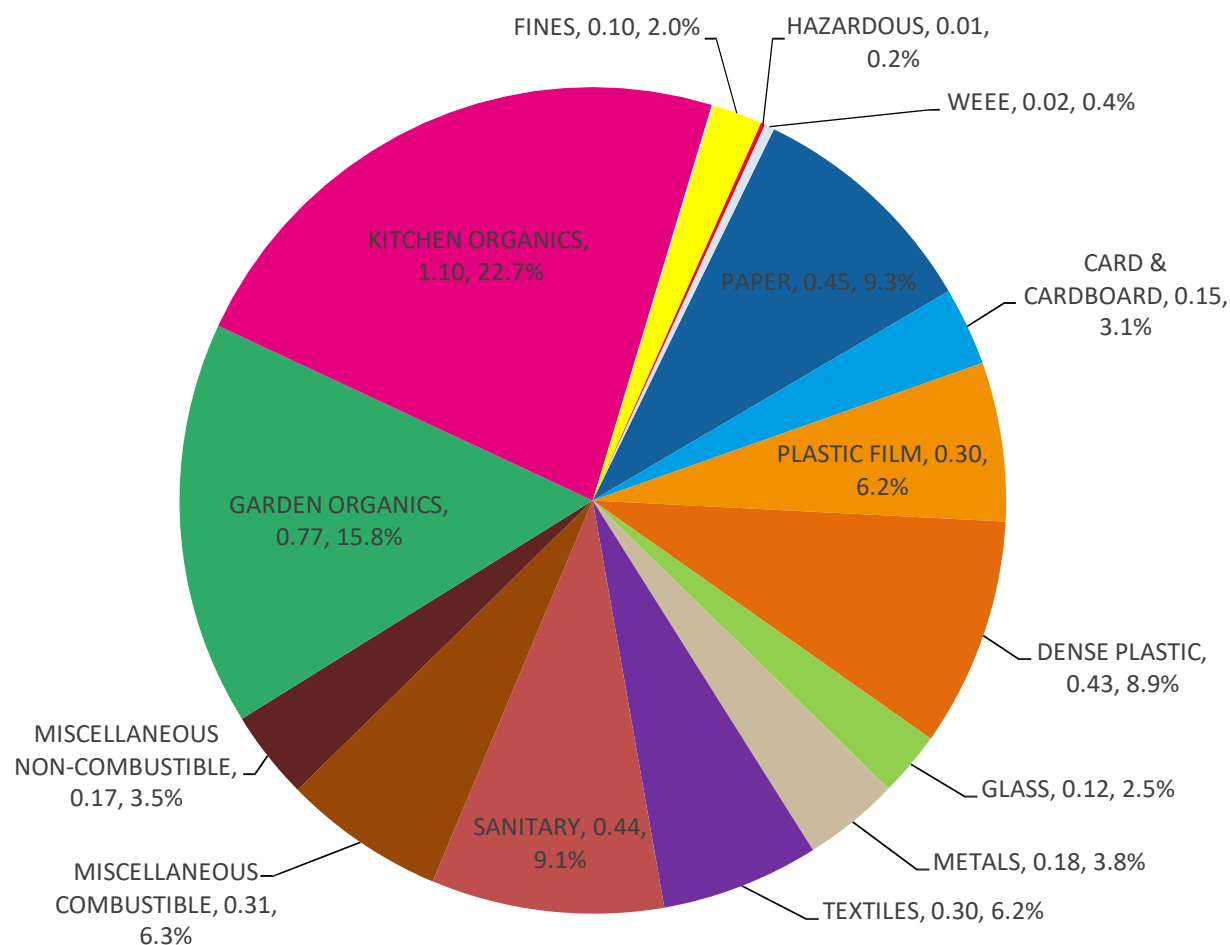
Residents also have smaller kitchen, and larger kerbside bin for the collection of food waste. This includes all cooked and uncooked food waste including, fruit and vegetables, meat and fish, cheese and dairy products, plate scrapings, bread and pasta. Plastic bags can be used to line bins.

Garden waste is collected by a “*cash on collection*” basis priced at £6 for up to eight bags of clippings.

**Table 1: Average residual waste composition**

WASTE MATERIAL	KG/HH/WK	% COMPOSITION
PAPER	0.45	9.3%
CARD & CARDBOARD	0.15	3.1%
PLASTIC FILM DENSE	0.30	6.2%
PLASTIC GLASS	0.43	8.9%
METALS	0.12	2.5%
TEXTILES	0.18	3.8%
SANITARY	0.30	6.2%
MISC. COMBUSTIBLE	0.44	9.1%
MISC. NON-COMBUSTIBLE	0.31	6.3%
GARDEN ORGANICS	0.17	3.5%
KITCHEN ORGANICS FINES	0.77	15.8%
HAZARDOUS	1.10	22.7%
WEEE	0.10	2.0%
	0.01	0.2%
	0.02	0.4%
TOTAL	4.84	100.0%

**Figure 1: Average residual waste composition (kg/hh/wk, %)**



## Organic Waste

Organic waste, which includes garden and food waste (putrescibles), formed the greatest weight concentration of the primary waste categories. On average, 38.5% or 1.86kg/hh/wk of the residual waste consisted of organic matter. Food waste was seen to be the major constituent of the organic material in residual bins. Torbay households are able to recycle food at the kerbside; across the samples and average of 22.1% or 1.07kg/hh/wk of residual waste was seen to be due to discarded food.

Food waste was further categorised as to whether it was avoidable / unavoidable and home compostable / non-home compostable.

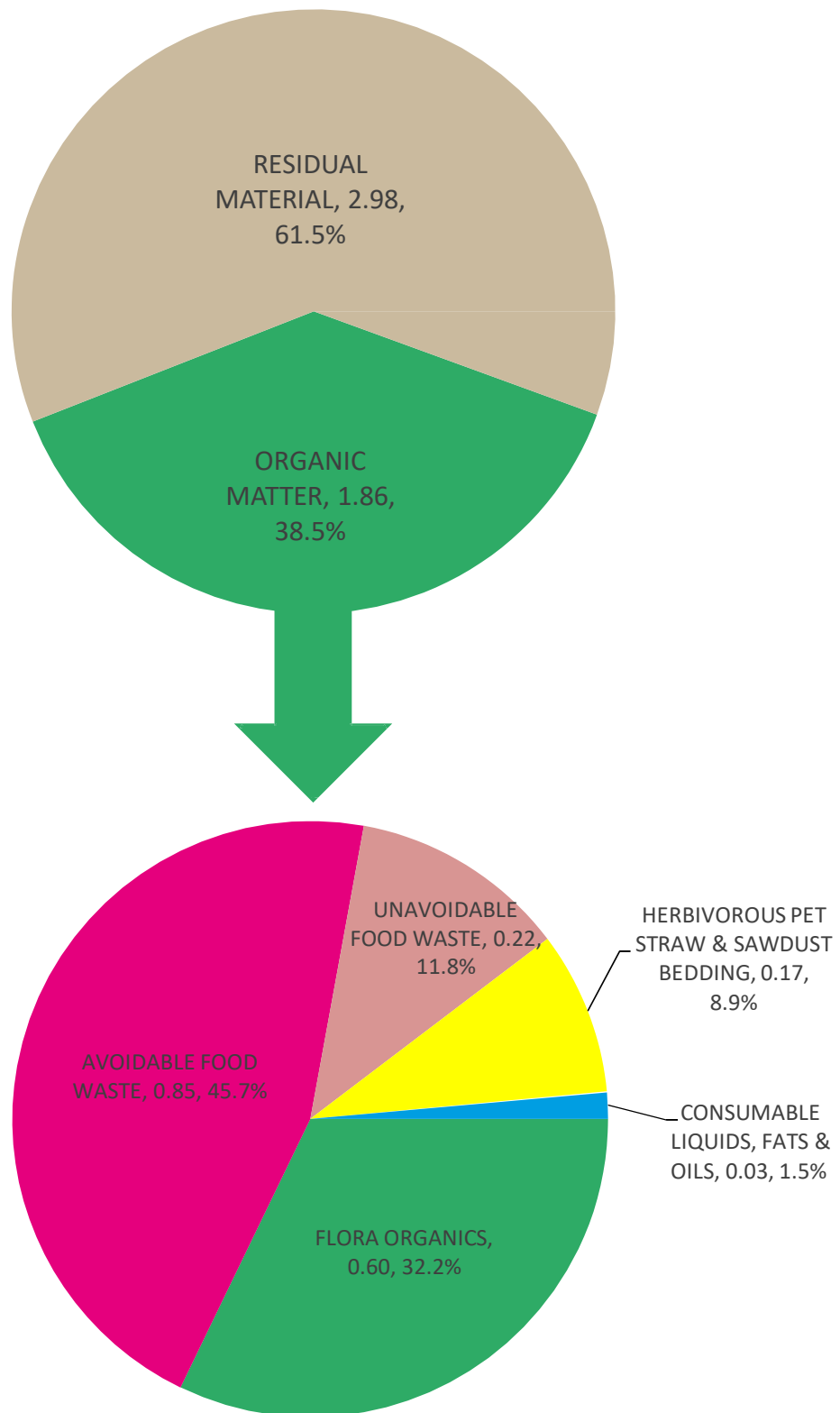
- Overall, around 79.5% of all food in the residual waste from kerbside households was classified as avoidable; this equates to 0.85kg/hh/wk.
- Additionally, 30.3% of kerbside food waste (0.32kg/hh/wk) is potentially compostable in general garden compost bins.
- 9.9% of kerbside food waste (0.11kg/hh/wk) was disposed of fully packaged.

Torbay residents can have garden waste collected from the kerbside via chargeable collections. On average, around 0.60kg/hh/wk or 12.4% of residual waste consisted of recyclable vegetation.

**Table 2: Levels of organic material within the residual waste**

RESIDUAL ORGANICS	(KG/HH/WK)
FLORA ORGANICS	0.60
SOIL & TURF	0.00
AVOIDABLE FOOD WASTE	0.85
UNAVOIDABLE FOOD WASTE	0.22
HERBIVOROUS PET STRAW & SAWDUST BEDDING	0.17
CONSUMABLE LIQUIDS, FATS & OILS KG/HH/WK	0.03
ORGANICS	1.86
% ORGANICS	38.5%
KG/HH/WK FOOD WASTE	1.07
% FOOD WASTE	22.1%

Figure 2: Levels of organics within residual waste (kg/hh/wk, %)



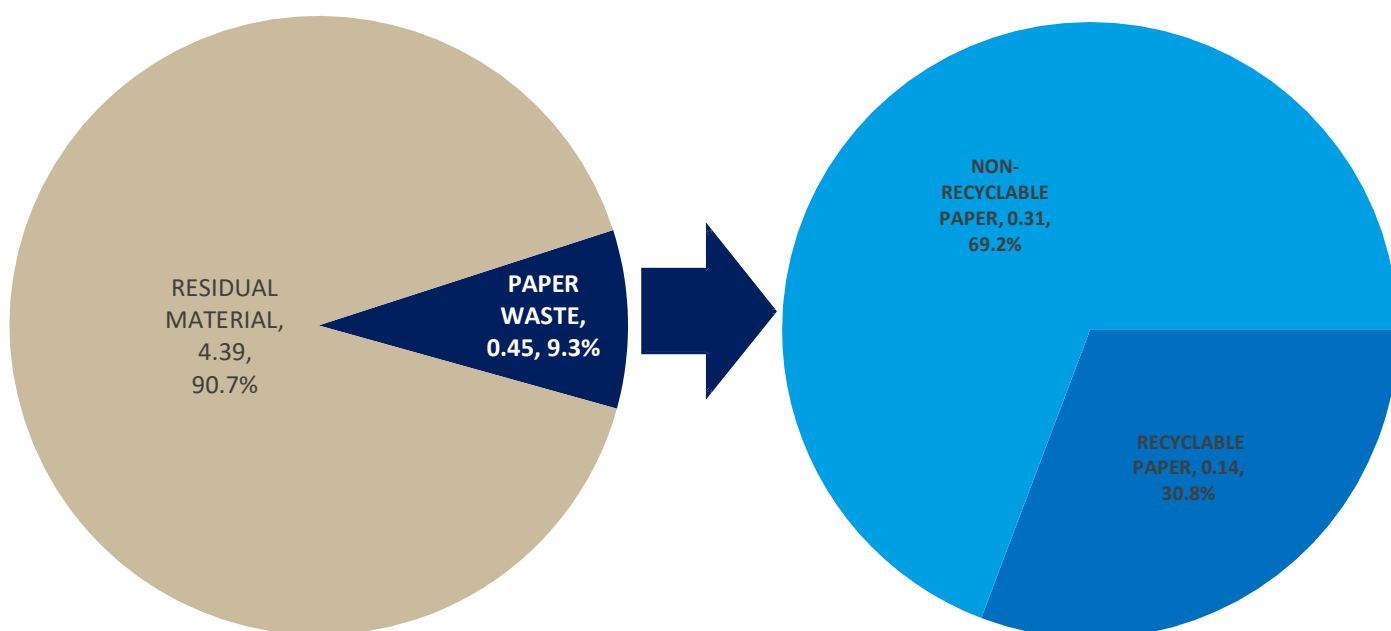
## Paper

On average, 9.3% or 0.45kg/hh/wk of residual waste from Torbay was due to paper-based materials. A proportion of this paper is available for recycling at the kerbside. Torbay residents can recycle paper such as newspapers, junk mail, envelopes and directories. It was found that 30.8% of paper could have been placed into kerbside recycling containers as opposed to the residual waste. Therefore 2.9% or 0.14kg/hh/wk of residual waste was due to recyclable paper.

**Table 3: Levels of paper within residual waste (kg/hh/wk)**

RESIDUAL PAPER	KG/HH/WK
RECYCLABLE PAPER	0.14
NON-RECYCLABLE PAPER	0.31
KG/HH/WK TOTAL PAPER	0.45
% OF PAPER RECYCLABLE	30.8%

**Figure 3: Levels of paper within the residual waste (kg/hh/wk, %)**



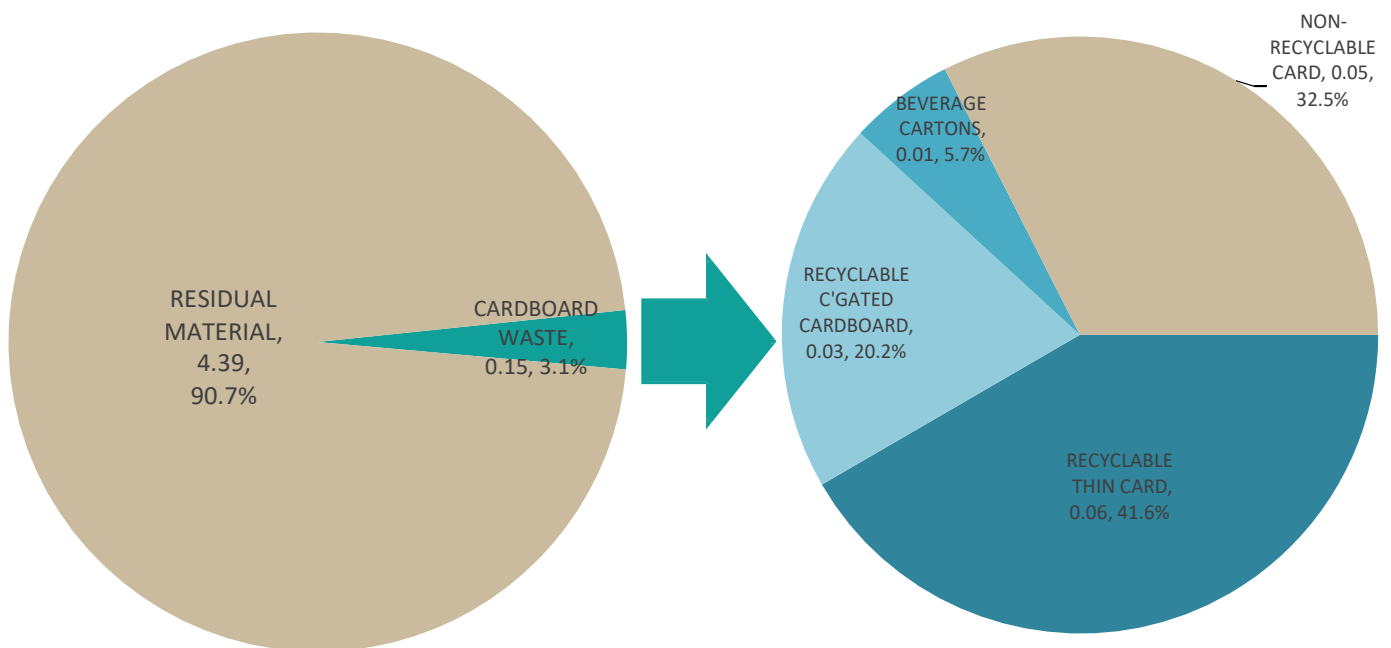
## Card & Cardboard

On average, 3.1% or 0.15kg/hh/wk of residual waste from Torbay was due to card and cardboard-based materials. A proportion of this card and cardboard is available for recycling at the kerbside. Torbay residents can recycle thin card, corrugated cardboard and liquid cartons at the kerbside. It was found that 67.5% of all card and cardboard could have been placed into kerbside recycling containers as opposed to the residual waste. Therefore 2.1% or 0.10kg/hh/wk of residual waste was due to recyclable card and cardboard. Two thirds of the recyclable cardboard was due to thin card.

**Table 4: Levels of card & cardboard within residual waste (kg/hh/wk)**

RESIDUAL CARD & CARDBOARD	KG/HH/WK
RECYCLABLE THIN CARD	0.06
RECYCLABLE CORRUGATED CARDBOARD	0.03
BEVERAGE CARTONS	0.01
BOOKS	0.00
NON-RECYCLABLE CARD	0.05
KG/HH/WK TOTAL CARD & CARDBOARD	0.15
KG/HH/WK RECYCLABLE CARD & CARDBOARD	0.10
% OF CARD KERBSIDE RECYCLABLE	67.5%

**Figure 4: Levels of card & cardboard within the residual waste (kg/hh/wk, %)**





## Plastics

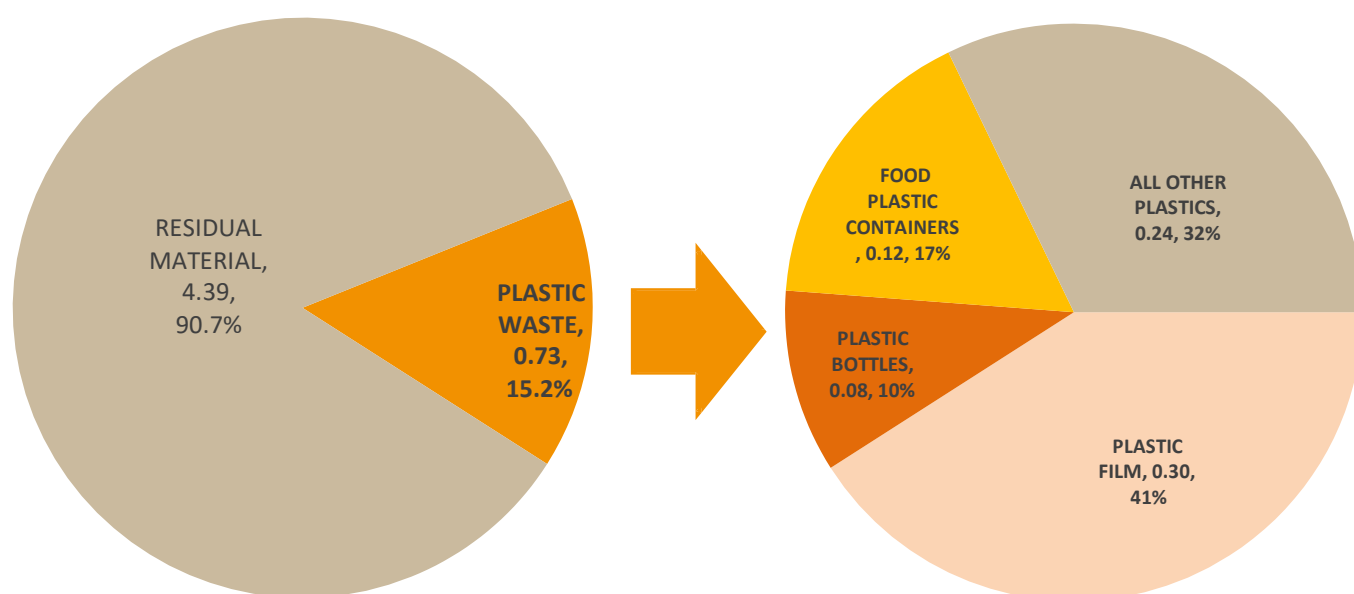
As a UK average approximately 12% of the waste disposed of by households is plastic. In this sampling campaign, the average for Torbay was 15.2% or 0.73kg/hh/wk. Residents can recycle plastic bottles with and food-packaging containers. Figure 5 clearly shows the levels of recyclable plastics within the residual waste. On average, around 26.9% of the plastic waste present in the residual was recyclable, equating to 0.20kg/hh/wk or 4.1% of the residual waste.

Plastic containers made up 62% of the recyclable plastics from kerbside properties with the remainder being plastic bottles.

**Table 5: Levels of plastic within the residual waste (kg/hh/wk)**

RESIDUAL PLASTICS	KG/HH/WK
PLASTIC FILM	0.30
PLASTIC BOTTLES	0.08
FOOD PLASTIC CONTAINERS	0.12
ALL OTHER PLASTICS	0.24
KG/HH/WK TOTAL PLASTIC	0.73
KG/HH/WK RECYCLABLE PLASTIC	0.20
% PLASTIC RECYCLABLE	26.88%

**Figure 5: Levels of plastic within the residual waste (kg/hh/wk, %)**



## Metals

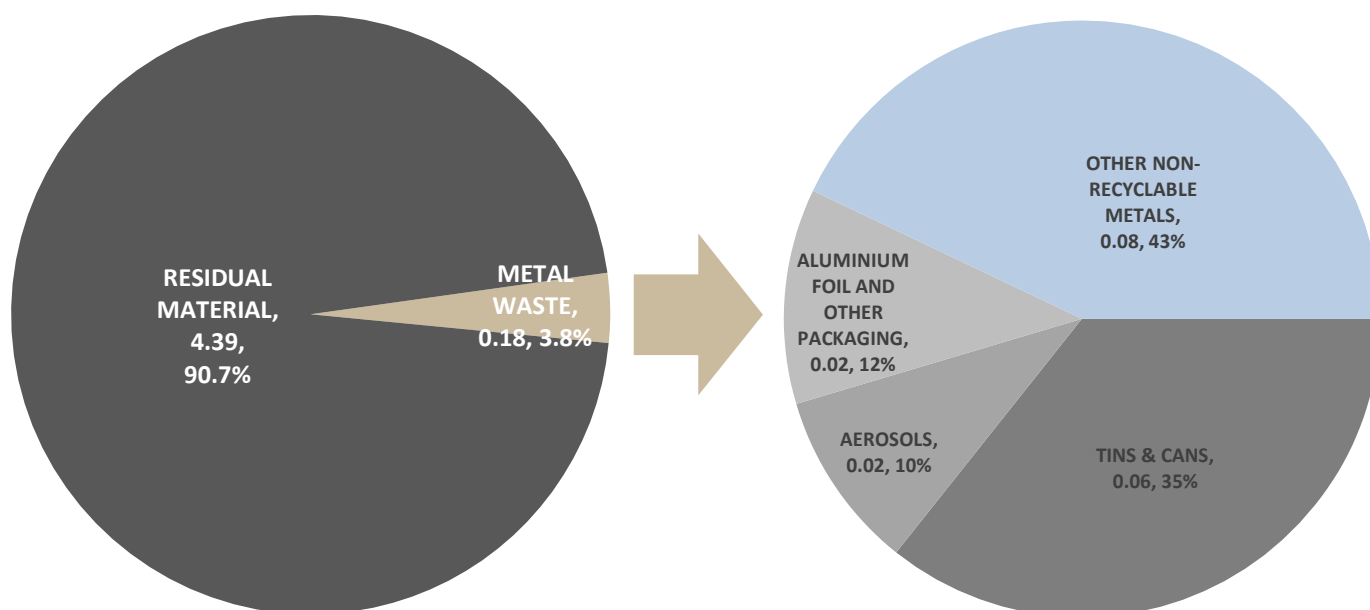
In this sampling campaign, the average metal content of the residual waste for Torbay was 3.8% or 0.18kg/hh/wk. Residents can recycle tins, cans foils and empty aerosols as part of their kerbside collections. Figure 6 clearly shows the levels of recyclable metals within the residual waste. On average, around 57.1% of the plastic waste present in the residual was recyclable, equating to 0.10kg/hh/wk or 2.1% of the residual waste.

Tins and cans made up 62% of the recyclable metals from kerbside properties with the remainder split equally between foil and aerosols.

**Table 6: Levels of metal within the residual waste (kg/hh/wk)**

RESIDUAL METALS	KG/HH/WK
TINS & CANS	0.06
AEROSOLS	0.02
ALUMINIUM FOIL AND OTHER PACKAGING	0.02
OTHER NON-RECYCLABLE METALS	0.08
RECYCLABLE METALS	0.10
TOTAL METALS	0.18
% OF METAL RECYCLABLE	57.09%

**Figure 6: Levels of metal within the residual waste (kg/hh/wk, %)**



## Glass

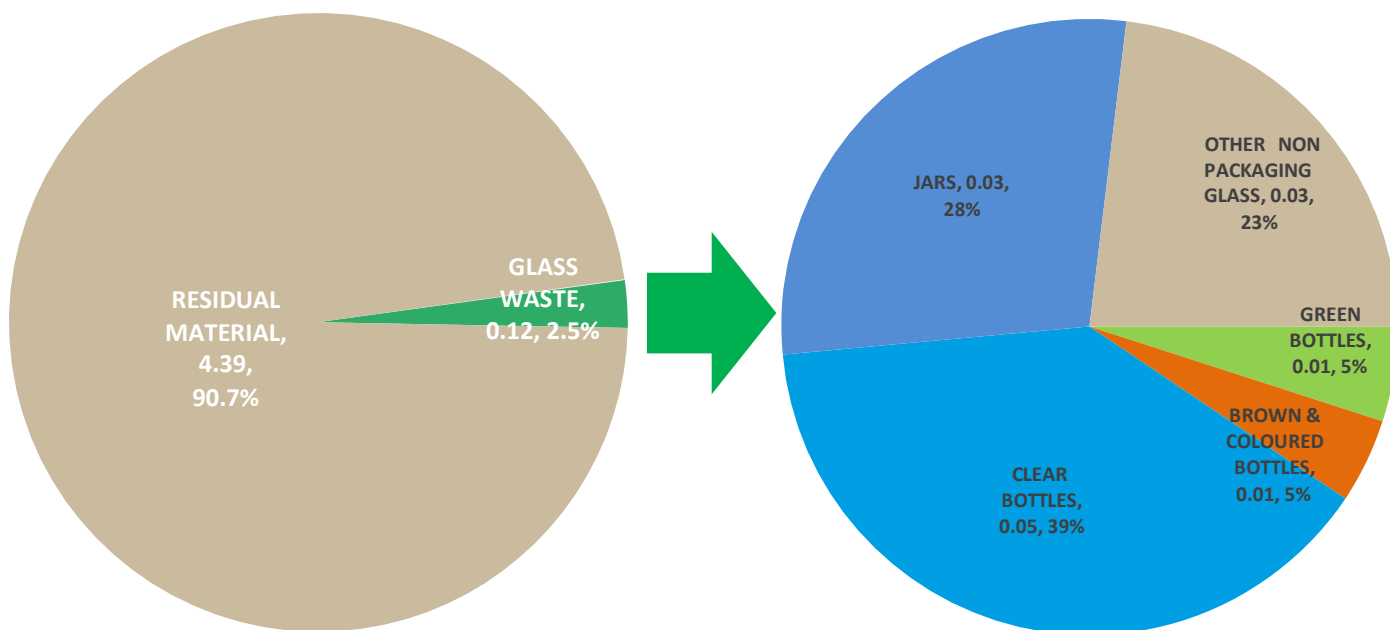
In this sampling campaign, the average concentration of residual glass across Torbay was seen to be 2.5% total glass by weight, equating to 0.12kg/hh/wk. Torbay residents are able to recycle glass bottles and jars at the kerbside. A proportion of this glass consists of bottles and jars. It was found that 77.8% or 0.10kg/hh/wk of glass consisted of bottles and jars, this equates to 2.0% of all collected residual waste.

An average of 87% of recyclable glass was clear; over 40% of the clear glass from kerbside properties was due to jars as opposed to bottles. Jars often need more cleaning than bottles and are generally less effectively recycled. Table 7 and Figure 7 show the amounts of the different forms of residual glass waste.

**Table 7: Levels of glass within the residual waste (kg/hh/wk)**

RESIDUAL GLASS	KG/HH/WK
GREEN BOTTLES	0.01
BROWN & COLOURED BOTTLES	0.01
CLEAR BOTTLES	0.05
JARS	0.03
OTHER NON PACKAGING GLASS	0.03
KG/HH/WK TOTAL GLASS	0.12
KG/HH/WK RECYCLABLE GLASS	0.10
% RECYCLABLE	77.8%

**Figure 7: Levels of glass within the residual waste (kg/hh/wk, %)**



## Textiles

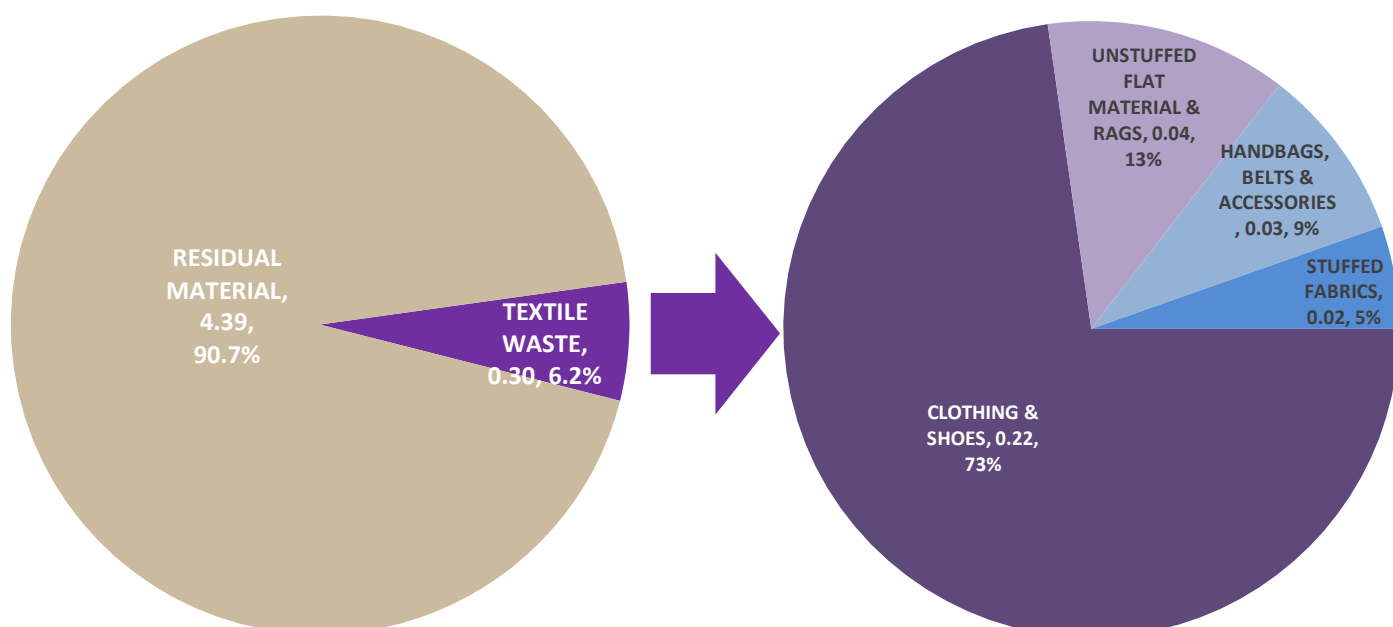
The concentration of residual textile waste was seen to be 6.2% or 0.30kg/hh/wk. A proportion of this textile waste is available for recycling as clean clothing or linen at the kerbside. It was found that 79.0% or 0.24kg/hh/wk of textile waste was of this potentially recyclable type. Therefore recyclable textiles made up 4.9% of the residual waste from Torbay.

Table 12 and Figure 11 show the amounts of the different forms of textile waste found within the samples from each authority.

**Table 8: Levels of textiles within residual waste (kg/hh/wk)**

RESIDUAL TEXTILES	KG/HH/WK
CLOTHING & SHOES	0.22
UNSTUFFED FLAT MATERIAL & RAGS	0.04
HANDBAGS, BELTS & ACCESSORIES	0.03
STUFFED FABRICS	0.02
KG/HH/WK TOTAL TEXTILES	0.30
KG/HH/WK REUSABLE TEXTILES	0.24
% REUSABLE TEXTILES	79.01%

**Figure 8: Levels of textiles within the residual waste (kg/hh/wk, %)**



## Hazardous Items (HHW) & WEEE

In this sampling campaign the average overall concentration of hazardous and WEEE waste was seen to be just 0.5% which equates to around 0.03kg/hh/wk. Very small amounts of batteries and WEEE were present within the residual waste, these can be recycled directly at the kerbside within Torbay.

### WEEE

Cables & Leads, Watches, Toys, Router, Circuit Boards, Hair Dryer, Curling Tongs, Shaver, Alarm Clock, Headphones, Vapes

### HHW

Batteries, Halogen Bulbs, Paint,

## Disposable Nappies & AHP waste

The profile of this type of waste has increased in recent years and nappy levels within the residual waste of households with babies can be extremely high. In this survey, the concentrations of disposable nappies and Absorbent Hygiene Products were 6.9%, which equates to 0.33kg/hh/wk.

## Current recyclability of the residual waste

The overall recyclability of the residual waste relates to all the items present that could have been accepted into the kerbside recycling schemes currently running in Torbay. Results from the survey showed that 18.4% or 0.89kg/hh/wk of residual waste was compatible with the mixed recycling collections currently running in Torbay. Paper and card made up around 5% of the residual waste and 9.3% of the recyclable material present. Textiles accounted for 9.2% of the recyclables with plastics contributing 7.7%.

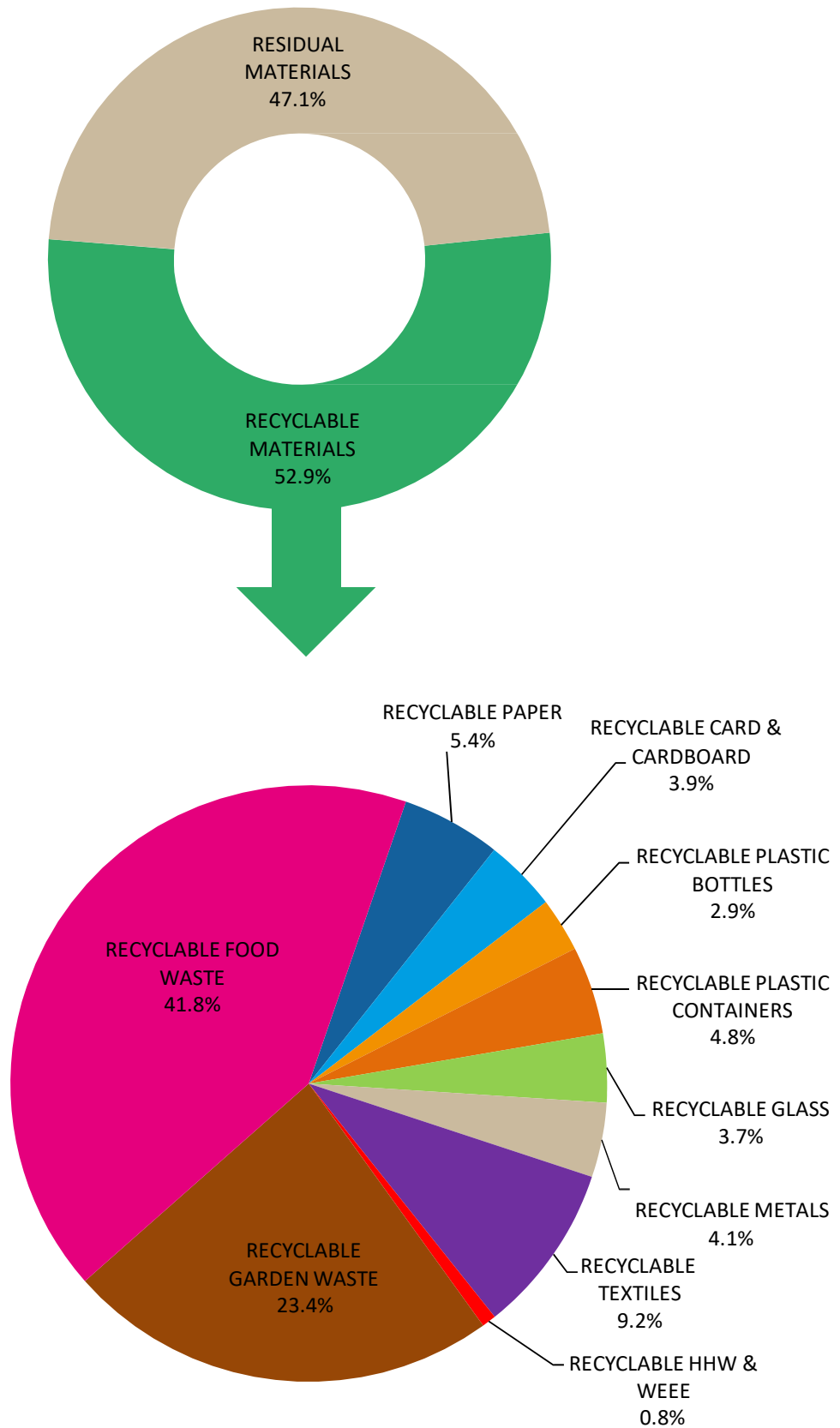
Overall, an additional 22.1% of residual waste was due to discarded food with 12.4% made up of garden vegetation. Therefore 34.5% (1.67kg/hh/wk) of residual waste was due to recyclable organic material. Food and garden waste combined formed 65% of the recyclable material present in residual bins.

By combining the mixed and organic recyclables from the residual waste it is seen that an average of 52.9% or 2.56kg/hh/wk of residual waste collected across Torbay could have been more effectively recycled by using the collection schemes currently in place.

**Table 9: Amount of residual waste currently recyclable**

KG/HH/WK MATERIALS WITHIN RESIDUAL WASTE	KG/HH/WK	% OF WASTE	% RECYCLABLES
RECYCLABLE PAPER	0.14	2.9%	5.4%
RECYCLABLE CARD & CARDBOARD	0.10	2.1%	3.9%
RECYCLABLE PLASTIC BOTTLES	0.08	1.6%	2.9%
RECYCLABLE PLASTIC CONTAINERS	0.12	2.5%	4.8%
RECYCLABLE GLASS	0.10	2.0%	3.7%
RECYCLABLE METALS	0.10	2.1%	4.1%
RECYCLABLE TEXTILES	0.24	4.9%	9.2%
RECYCLABLE HHW & WEEE	0.02	0.4%	0.8%
RECYCLABLE GARDEN WASTE	0.60	12.4%	23.4%
RECYCLABLE FOOD WASTE	1.07	22.1%	41.8%
TOTAL AMOUNT CURRENTLY RECYCLABLE	2.56	52.9%	100.0%

Figure 14: Proportional breakdown of currently recyclable materials



Consultation on consistency in household and business recycling collections in  
England

**Introduction**

1. What is your name? **Torbay Council**
2. What is your email address? **Waste&recycling@torbay.gov.uk**
3. Which best describes you? **Local Authority**
4. If you are responding on behalf of an organisation, what is its name? **Torbay Council**
5. Would you like your response to be confidential? **No**  
If you answered 'Yes' above, please give your reason:

**Part 1 Measures to improve the quantity and quality of household recycling collected by local authorities**

**Proposal 1**

We propose that all local authorities in England should be required to collect a core set of dry recyclable materials at kerbside from houses and flats

Q5 Setting aside the details of how it would be achieved, do you agree or disagree with the proposal that local authorities should be required to collect a set of core materials for recycling?

**Agree – local authorities should be required, to collect a core set of materials**

Disagree – local authorities should not be required, to collect a core set of materials

Not sure/don't have an opinion

The core set of materials must be based on a comprehensive sorting and end market infrastructure (including exports) being available. If this is not the case for a material it should not form part of the core set. For example, it is debatable if this exists for pots tubs and trays at present and it is likely that material collected for recycling in good faith is not recycled due to these sorting and end market issues.

Q6 We think it should be possible for all local authorities to collect the core set of materials. Do you agree with this?

**Agree**

Disagree – If you disagree please provide further information and evidence as to what circumstances it is not practicable to collect the full set of materials

Torbay Council currently collects the proposed core set of materials and our contractor TOR2 has not had problems finding reprocessors for them. However, if more local authorities were to collect the core materials, this might result in over-supply of materials and result in uncertainty within the market and potentially, reduced rates of income or even an inability to secure an end destination for some materials.

Q7 What special considerations or challenges might local authorities face in implementing this requirement for existing flats and houses in multiple occupancy?



The same materials can be collected, although collection arrangements may differ. HMO's and flats take a disproportionate amount of time and resources to manage and collect from, for less gain in terms of the amount of waste that is collected for recycling.

Space for storage of can be an issue with flats and HMO's. In Torbay, sometimes the collection frequency has to be adjusted to compensate for a lack of storage space. In some cases we are only able to offer recycling collections for a more limited range of materials, due to a lack of storage and space. A comingled recycling collection is offered to some flats and HMO's in Torbay, where space is limited and in some cases the collection frequency needs to be increased for the same reason.

Torbay Council's Waste Team feed into the planning process. When a planning application for a block of flats is received we ensure that adequate space is provided to enable residents to separate their waste for recycling and that the collection of waste and recycling is facilitated by the developer.

Where recycling is collected from flats and HMO's, the level of contamination is higher than when collecting from individual households.

Additional resource needs to be put into establishing relationships with property management / housing associations at the sites and to ensure that owners / management companies take responsibility for ensuring that the recycling is presented for collection as required. It is possible that this might require some further legislation.

WRAP have done research on the best ways to manage waste and increase recycling from these properties and have issued guidance to local authorities, however going forward stronger policies are required to be put in place to ensure suitable storage for containers is allocated at flats and HMO's

Q8 What other special considerations should be given to how this proposal could apply to flats? Please provide additional information on your answer.

Any requirement to separate materials at collection should not apply to flats and HMO's if storage space is an issue.

Storage issues could be addressed by stricter National Planning Policy, specifying minimum design requirements to allow for waste to be separated and stored within dwellings and waste compounds and easy access. However, this will not improve some of the issues faced at older flats and HMO's.

Due to a high number of residents within flats and HMO's being transient, regular engagement and communications are needed. Additionally, engagement with landlords and management companies are required.

Q9 Do you have any other comments to make about Proposal 1? Please use this space to briefly explain your responses to questions above, e.g. why you agree/disagree with proposals.

There will still be confusion for members of the public between one area and another as some local authorities will collect more than the core set of materials, which is the case for Torbay Council. It would be a backwards step to stop collecting some materials at the kerbside if it has been done in the past.

**Proposal 2**

We propose that the core set of materials will be glass bottles and containers, paper and card, plastic bottles, plastic pots tubs and trays, and steel and aluminium tins and cans.

Q10 Do you believe that all of these core materials should be included or any excluded?

	This should be included in the core set	This should be excluded from the core set	Not sure/don't have an opinion/not applicable
Glass bottles and containers	✓		
Paper and card	✓		
Plastic bottles	✓		
Plastic pots tubs and trays	✓		
Steel and aluminium tins and cans	✓		

Q11 What, if any, other products or materials do you believe should be included in the core set that all local authorities will be required to collect?

	This should be included in the core set from the start of Consistency	This should be included from the core set but phased in over time	This should be excluded from the core set	Not sure/don't have an opinion/not applicable
Food and drinks cartons	✓			
Plastic bags and film			✓	
Other materials (please specify)				✓

Q12 If you think any of these or other items should or should not be included in the core set immediately please use the box below to briefly explain your view.

Plastic bags are a difficult material to recycle. There are a limited number of reprocessors and end markets. The material income is also low. Plastic bags and film can be particularly challenging as compostable bags are becoming more widespread and many MRFs cannot sort plastic bags/film. Even where a recycling opportunity exists for these materials they are not readily identified as different materials by the resident and if not appropriately labelled have the potential to contaminate the waste streams.

Q13 If you think these or other items should be considered for inclusion at a later stage, what changes would be needed to support their inclusion?

We would need to be satisfied that viable markets exist for any additional materials and that funding is allocated to reimburse local authorities for any additional capital and revenue costs that they would incur.

Q14 Do you have any other comments to make about Proposal 2?

Encouraging investment in local reprocessing infrastructure links with the aspirations of the Circular Economy Package and will be essential. Reassurance is required that there will be enough confidence in the recycling market within the South-West, for businesses to develop and expand to meet local demands. This includes the sorting infrastructure as this can sometimes be a barrier to viable end markets.

### Proposal 3

We propose that this core set of materials should be regularly reviewed by government and, if appropriate, expanded over time provided that a) evidence supports the benefits, b) there are viable processing technologies for proposed materials, c) there are sustainable end markets, d) local authorities would not be adversely affected, including financially.

Q15 Do you agree that the core set should be regularly reviewed and, provided certain conditions are met, expanded?

Yes

No

Not sure/don't have an opinion

Q16 Do you believe that the proposed conditions a) b) c) and d) above are needed in order to add a core material?

Yes – but I would also add some (please specify which conditions you believe should be added ...)

No – some/all should be removed (if some please specify below)

No – some should be added and some should be removed (please specify which ...)

Not sure/don't have an opinion

Torbay Council would like to see a greater emphasis on reliable, long-term end markets for materials within the South-West. The cost of bulking and haulage of recycling needs to be considered if markets are not available locally.

Q17 Do you have any other comments to make about Proposal 3?

N/A

**Proposal 4**

By 2023 we propose to legislate for local authorities to provide all kerbside properties and flats with access to at least a weekly separate collection service for food waste, including provision of containers and liners.

Q18 Which aspects of the proposal do you agree and disagree with?

	Agree	Disagree	Not sure/don't have an opinion/not applicable
(i) at least a weekly collection of food waste	✓		
(ii) a separate collection of food waste (i.e. not mixed with garden waste)	✓		
(iii) services to be changed only as and when contracts allow	✓		
(iv) providing free caddy liners to householders for food waste collections		✓	

Q19 Are there circumstances where it would not be practical to provide a separate food waste collection to kerbside properties or flats.

Yes (if yes please provide further details below)

No

Not sure/don't have an opinion

It would not be practical to provide a separate food waste collection where space is limited. Additionally, where flats and properties share communal waste and recycling facilities there is a high possibility the food waste will become contaminated. This is due to lack of ownership and responsibility of these bins.

Collection methods can also influence the practicability of separate food waste collections, for example in very rural areas and districts. Collection vehicles would have to drive long distances to collect just food waste if current vehicles do not have the configuration to collect food at the same time as recycling.

Q20 Do you have any other comments to make about Proposal 4 including on circumstances where it may not be practical to provide a separate food waste collection?

We have concerns over the proposals to provide free caddy liners, the anaerobic digestion plant that take our collected food waste prefers waste that is contained within plastic bags as they are able to separate this at the beginning of the process.

There is concern that within Devon and Cornwall there is a lack of anaerobic digestion facilities for processing food waste. Torbay already collects food waste, but is concerned that as demand for the limited number of facilities increases, with new food waste collections introduced, this will either push the facilities over capacity or drive an increase in gate fees due to increased demand. This would be exacerbated if businesses were also required to have a separate collection of food waste.

The effect that reduced residual waste arisings will have on the cost of existing residual waste treatment contracts. Torbay Council is part of the South West Devon Waste Partnership (SWDWP) which has procured a joint contract for residual waste treatment at a combined heat and power facility in Plymouth. Whilst a reduced tonnage delivered to the facility by the partners would represent an overall saving to the SWDWP, the rate per tonne paid as a gate fee would increase. The pricing of the disposal contract is based upon tonnages that were forecast by the Partnership and the suggested changes (Consistency, EPR & DRS) to local authority waste streams would significantly change these forecasts. The contract runs until 2039 and if a 12% reduction in residual waste delivered to the facility was experienced, this would equate to a saving of approximately £31 million, but as a result of increased gate fees, we would incur an additional cost of £8.4 million, resulting in a net saving of £22.6 million.

### **Proposal 5**

We will provide funding and support to local authorities to help put in place the necessary collections infrastructure

Q21 If you are responding on behalf of a local authority, what kind of support would be helpful to support food waste collection? (tick as many as apply)

I am not responding on behalf of a local authority

Specific financial support (please specify)

Procurement support, (e.g. free advice on renegotiating contracts; centralised purchasing of containers)

Communications support, (e.g. free collateral that can be adapted and used locally)

Technical support, (e.g. free advice from a consultant about round re-profiling)

Other (please specify ...)

Money for communications where collections are established, to ensure engagement with residents is maintained and to capture the transient population.

Funding of containers, delivery and other set up costs. The cost of replacing containers.

Advice on changes required to infrastructure for example transfer station which would also impact the environmental permit.

Waste composition analysis work to be undertaken to provide data on what type and quantities of materials that are within the residual waste.

Q22 Do you have any other comments to make about Proposal 5?

Torbay Council commissioned the M.E.L Research to carry out a waste analysis of the residual waste in 2017, the finding found that although within Torbay a weekly food waste collection is provided and residual collections are fortnightly, the amount of food waste was a major component forming 22.1% of the total. This equated to 1.07kg/hh/wk.

The same analysis showed found 79.5% of the food waste in the residual waste was avoidable and 9.9% was fully packaged. Therefore, we would like to see further efforts and funding focused on the reduction of food waste.

If the provision of free caddy liners is mandated we require assurances that the cost for delivery and any administration costs will be reimbursed. Additionally the costs for new and replacement caddies need to be factored in.

Providing incentives to increase participation in recycling and waste reduction. Studies have shown food waste collections require a large initial communications campaign and then ongoing maintenance communications in order to keep participation and capture rates as high as possible.

### **Proposal 6**

We believe it would be desirable for local authorities that have contractual commitments with IVC facilities, which needs mixed garden and food waste, to require separate presentation of food waste but then be able to mix it with garden waste for treatment purposes. This is because our evidence shows that separate presentation of food waste leads to higher yields.

Q23 What are your views on this proposal?

This is not applicable for Torbay as we do not have any commitments with IVC facilities.

### Proposal 7

We are seeking views on whether households generating garden waste should be provided with access to a free collection service. If introduced this this would be a minimum fortnightly collection service of a 240-litre capacity container (either bin or sack). Local authorities may provide additional capacity or more frequent services and would be able to charge for this additional provision

Q24 Which aspects of the proposal do you agree or disagree with?

	Agree	Disagree	Not sure/don't have an opinion/not applicable
(i) a free garden waste collection for all households with gardens		✓	
(ii) A capacity to 240l (bin or other container eg sack)	✓		
(iii) A fortnightly collection frequency (available at least through the growing season)	✓		
(iv) ability to charge households for additional capacity/collections/containers over the set minimum capacity requirement	✓		
(v) this new requirement to start from 2023 (subject to funding and waste contracts)		✓	

Q25 Do you have any other comments to make about Proposal 7?

This proposal does not fit with the producer pays principal. Charging for garden waste encourages home composting which has less environmental consequences than kerbside collections.

Those householders without gardens will be funding those that do have a garden to have a free garden waste collection service. The ability for local authorities to charge householders for garden waste collections represent an equitable charging regime, only applying to those who wish to use the service.

Torbay has never had a regular garden waste collection service covering the whole area. Garden waste is collected and charged for on request. To introduce garden waste collection across the area would mean investment in resources, including collection vehicles. Additional staff would also be required to operate the service.

Staff (especially drivers) are difficult to find and keep and there is currently a national shortage of drivers making it very difficult to recruit and retain them.

Currently Torbay only has an ad-hoc, charged for garden waste collection and this currently generates £8.5k income which would be lost with this proposal. The main cost would be to completely set up new fortnightly rounds for free garden waste collections to about 40,000 households with gardens. The additional cost of this provision would range from £650k to £950k dependant on the tonnage collected, which would need to be included as a new burden.

Within Torbay there are companies and charities that provide services to remove householder's garden waste, if a free garden waste service was introduced these companies would be affected. They would not be able to compete against a free of charge, local authority collection.

Residents are advised that garden waste will not be collected as part of the residual waste and a scheduled bring service is provided regularly, on Sundays, in two towns that do not have a HWRC to provide more accessible drop off points for residents.

Waste compositional analysis completed in October 2017 by M.E.L Research showed the following composition of residual waste.

WASTE MATERIAL (KG/HH/WK)	TORBAY				
	ACORN 1	ACORN 3	ACORN 4	ACORN 5	AVERAGE
PAPER	0.31	0.31	0.66	0.53	0.45
CARD & CARDBOARD	0.12	0.08	0.28	0.12	0.15
PLASTIC FILM	0.24	0.19	0.45	0.33	0.30
DENSE PLASTIC	0.27	0.19	0.95	0.31	0.43
GLASS	0.17	0.09	0.15	0.09	0.12
METALS	0.11	0.10	0.36	0.16	0.18
TEXTILES	0.18	0.15	0.51	0.37	0.30
SANITARY	0.38	0.16	1.05	0.17	0.44
MISCELLANEOUS COMBUSTIBLE	0.27	0.30	0.47	0.16	0.31
MISCELLANEOUS NON-COMBUSTIBLE	0.01	0.04	0.10	0.55	0.17
GARDEN ORGANICS	0.10	0.90	1.40	0.47	0.77
KITCHEN ORGANICS	0.75	0.58	2.13	0.91	1.10
FINES	0.04	0.05	0.29	0.00	0.10
HAZARDOUS	0.00	0.00	0.01	0.02	0.01
WEEE	0.00	0.03	0.02	0.01	0.02
<b>TOTAL</b>	<b>2.95</b>	<b>3.16</b>	<b>8.85</b>	<b>4.20</b>	<b>4.84</b>

### Proposal 8

In addition to the new core set of materials that we will require to be collected, we want to promote separate collection of materials where this is feasible and can help to improve quality. We propose to amend the law to clarify this and will include guidance in our proposed statutory guidance on minimum service standards to help local authorities and waste operators in decision making on separate collection.

Q26 Do you agree the proposed approach to arrangements for separate collection of dry materials for recycling to ensure quality?

Yes

No (why ...?)



## Not sure/no opinion/not applicable

Torbay Council currently provides a weekly collection of dry recycling and food waste which is collected in separate material streams. Cans and plastics are collected as a mixed stream and we would be keen to be able to continue with this practice, with mechanical sorted completed after collection.

Torbay Council would not want to see the guidance being too prescriptive and flexibility will be required to ensure that local authorities and/or their contractors are able to meet the operational challenges that are specific to their area.

Torbay Council would like to retain the flexibility to set the frequency of residual waste collection. Restriction of residual waste in terms of frequency or container size, supported by a comprehensive and frequent recycling collection. Moving to a three or four weekly residual waste collection has resulted in reduced amounts of residual waste being collected (-15% in East Devon) and the amount of material collected for recycling increase significantly. Although much resource is moved from the collection of residual waste to the collection of recycling, there are cost savings to be realised in terms of a reduced number of collections and savings on disposal costs. Material income will also increase as a result of recycling more.

Torbay Council has been considering options for residual waste collection in the future. Consultants White Young Green were commissioned to complete a study of the best potential recycling collection vehicles for Torbay and as part of this study they state that a decrease in residual waste of 14% is typical where a three weekly residual waste collection is introduced. An increase of 45% in food waste and 9% in recycling yields is typical for authorities that move to three weekly collections of residual waste. This is based upon trials completed in Somerset.

When increased levels of recycling are realised, this reduces the amount of residual waste to be collected. If weekly food waste collections are offered, this removes much of the putrescible element of that waste stream and reduces the weight and volume to be collected, meaning that less frequent collections or reduced capacity for residual waste become viable.

If further EPR was to be considered for nappies and sanitary / hygiene products, which could fund their separate collection, this would mean that the residual waste stream should be very clean and less frequent collections would become even more acceptable to the public.

Q27 What circumstances may prevent separate collection of paper, card, glass, metals and plastics? Please be as specific as possible and provide evidence.

Torbay Council currently provides a weekly collection of dry recycling and food waste which is collected in separate material streams. Cans and plastics are collected as a mixed stream and we would be keen to be able to continue with this practice, with mechanical sorted completed after collection. If we were unable to mix plastics and metals at collection this would have an impact on the type of collection vehicle used.

Torbay Council believes that the quality of the different material streams is maintained by the mechanical sorting of plastics and metals.

Limited space can pose a problem for the separate collection of materials. This is especially relevant for flats and communal housing stock, where there might not be space for enough containers to store the different material streams. For some housing stock it is not operationally viable to collect materials separately and if required to would lead to high levels of investment being required in vehicles and infrastructure.

In areas where a commingled collection is already undertaken, the local authority will have already had to prove that separate collections are not TEEP.

In Torbay, comingled collections are used to support the main kerbside sort recycling service. Flats often receive a comingled collection due to a lack of storage space and challenges with engaging residents. We would prefer that all households received the same service, but for some premises this is not possible.

Comingled collections have also been relied upon in Torbay when our contractor has experienced operational failures or performance issues and collections have run late (eg. Following snow and also due to issues with collection vehicles). Removing the need to sort the materials at the kerbside has allowed our contractor to collect recycling as quickly as possible and also to use additional compaction vehicles to assist with catching up with late collections.

Q28 Do you have any other comments to make about Proposal 8?

We would question whether this could be seen as anti-competitive as an increase in the number of local authorities collecting materials separately, would reduce reliance on existing MRFs.

Consideration of market prices for different materials will be required. It may be more cost effective to offer comingled collections in some areas and if a MRF can sort the material and achieve similar quality standards to separate collections then it would be difficult to justify separate collections based on either material quality or cost.

### **Proposal 9**

Assuming that we progress with proposals for a core set of materials that must be collected for recycling, the government welcomes views on whether England should move to standardised waste container colours for those materials, together with residual waste, food and garden waste.

Q29 Do you agree or disagree with this proposal?

Agree – bin colours should be standardised for all waste streams

Agree in part – bin colours should be standardised for some waste streams but not all (specify which ...)

Disagree – bin colours should not be standardised for any waste streams

Not sure/no opinion/not applicable

Torbay Council can see the benefit that standardised container colours would offer in terms of consistency of waste and recycling collections between different areas. This would help with public understanding of waste and recycling collections and would be likely to result in higher participation and capture of recycling.

However, the cost of replacing containers is the main disadvantage to this proposal. Torbay would be keen to see a standard set of colours established which can be adopted by local authorities as and when containers are replaced.

To have the maximum benefit, the same colour coding should be used in other places where people generate waste or recycling eg. Work, school, on-the-go.

Q30 There would be potential for significant costs from introducing standardised bins colours from a specific date. What views do you have on a phased approach or alternative ways to standardising the colours of containers for different materials?  
Phased approach 1 – as and when waste contracts are renewed  
Phased approach 2 – as and when old/unserviceable bins are replaced  
Other ways please specify...

Q31 Do you have any other comments to make about Proposal 9?

Torbay Council agrees in principal with standardised container colours, but local authorities must be able to choose type and size of containers.

The phased approach 2 is favoured as this would be seen to be the least wasteful way of changing all containers to a different colour. However we can envisage this could cause a lot of public confusion if someone has a different coloured container to their neighbours. This would make communications very difficult.

### **Proposal 10**

We are proposing to prepare statutory guidance on minimum service standards to which local authorities will be required to have regard. The detail of this guidance will be consulted upon in our second consultation

Q32 Do you agree or disagree with the proposal to publish statutory guidance?

Agree – government should publish statutory guidance

Disagree – government should not publish statutory guidance

Not sure/no opinion/not applicable

Q33 We propose reviewing the guidance every few years, revising it as required and then allowing sufficient lead-in time to accommodate the changes. Do you agree or disagree with this timescale?

Agree

Disagree – it should be more often

Disagree – it should be less often

Not sure/no opinion/not applicable

Torbay Council does not support statutory guidance on minimum service standards, however, no firm timescale for review is stated within the consultation document.

Q34 Subject to further analysis and consultation we propose to use the guidance to set a minimum service standard for residual waste collection of at least every alternative week Do you agree or disagree with this proposal?

Agree

Disagree – it should be more often

Disagree – it should be less often

Not sure/no opinion/not applicable

Q35 Do you have any other comments to make about Proposal 10?

Torbay disagree with the guidance to set a minimum service standard for residual waste collections. Less frequent residual waste collections that have been adopted by local authorities have proven it drives improved participation in recycling and increased capture of target materials for recycling.

The table below shows that of the top ten performing Waste Collection Authorities, in terms of residual waste per capita (to enable waste reduction to be recognised), none of the authorities' residual waste collections are in line with the proposed minimum service standards of both collection frequency and container size for residual waste. To introduce these service standards would be a step backwards and would prevent other local authorities from achieving higher rates of recycling through restrictions on residual waste. This is also evident when comparing the performance of Welsh authorities to those within England.

Local Authority	Recycling Rate (%)	Residual Waste per capita (kg)	Residual Waste Collection Frequency	Residual Waste Container Size (litres)
<i>Stroud</i>	<i>61.2</i>	<i>114.9</i>	<i>2 weekly</i>	<i>140</i>
<i>East Devon</i>	<i>54.2</i>	<i>126.8</i>	<i>3 weekly</i>	<i>180</i>
<i>Vale of White Horse</i>	<i>60.4</i>	<i>127.6</i>	<i>2 weekly</i>	<i>180</i>
<i>Ealing</i>	<i>48.8</i>	<i>128.5</i>	<i>2 weekly</i>	<i>180</i>
<i>Surrey Heath</i>	<i>61.4</i>	<i>129.4</i>	<i>2 weekly</i>	<i>180</i>
<i>Colchester</i>	<i>54.8</i>	<i>130.9</i>	<i>2 weekly</i>	<i>180 / 3 bag limit</i>
<i>South Oxfordshire</i>	<i>63.0</i>	<i>131.9</i>	<i>2 weekly</i>	<i>180</i>
<i>Trafford</i>	<i>58.5</i>	<i>136.2</i>	<i>2 weekly</i>	<i>180</i>
<i>Three Rivers</i>	<i>62.4</i>	<i>136.5</i>	<i>2 weekly</i>	<i>140</i>
<i>Ashford</i>	<i>56.6</i>	<i>136.9</i>	<i>2 weekly</i>	<i>180</i>

We believe it should remain a local authority's choice to set the frequency of residual waste collections based on their knowledge of the local area, housing stock, demographics, local recycling facilities and infrastructure. This goes hand in hand with restrictions on container size for residual waste, which some local authorities

may find a preferable way of limiting residual waste capacity and encouraging recycling.

Torbay Council would like to retain the flexibility to set the frequency of residual waste collection. Restriction of residual waste in terms of frequency or container size, supported by a comprehensive and frequent recycling collection. Moving to a three or four weekly residual waste collection has resulted in reduced amounts of residual waste being collected (-15% in East Devon) and the amount of material collected for recycling increase significantly. Although much resource is moved from the collection of residual waste to the collection of recycling, there are cost savings to be realised in terms of a reduced number of collections and savings on disposal costs. Material income will also increase as a result of recycling more.

Torbay Council has been considering options for residual waste collection in the future. Consultants White Young Green were commissioned to complete a study of the best potential recycling collection vehicles for Torbay and as part of this study they state that a decrease in residual waste of 14% is typical where a three weekly residual waste collection is introduced. An increase of 45% in food waste and 9% in recycling yields is typical for authorities that move to three weekly collections of residual waste. This is based upon trials completed in Somerset.

When increased levels of recycling are realised, this reduces the amount of residual waste to be collected. If weekly food waste collections are offered, this removes much of the putrescible element of that waste stream and reduces the weight and volume to be collected, meaning that less frequent collections or reduced capacity for residual waste become viable.

If further EPR was to be considered for nappies and sanitary / hygiene products, which could fund their separate collection, this would mean that the residual waste stream should be very clean and less frequent collections would become even more acceptable to the public.

Less frequent residual waste collections also have the advantages of reducing the effect of vehicle emissions and congestion. Torbay is a tourist resort and in the summer there is an influx of visitors, with the population increasing by a quarter. The time taken to return to the transfer station to empty a vehicle can easily double in the summer, due to an increased number of vehicles in the road.

Statutory guidance may create inefficiency in some areas. One size does not fit all, for example, how can the Isles of Scilly and Central London be prescribed the same guidance when they are so different.

### **Proposal 11**

We will continue our support for Recycle Now and the tools produced by WRAP to help local authorities to communicate effectively on recycling.

Q36 Do you have any comments to make about Proposal 11?

Torbay Council frequently uses Recycle Now resources and other tools produced by WRAP to help local authorities to communicate effectively with residents. We fully support its continuation and development.

Q37 What information do householders and members of the public need to help them recycle better?

- Clear labelling on packaging
- Door stepping and roadshows to provide face to face, targeted information.
- Service specific information leaflets.
- Website information – tailored to the local services.
- National campaigns with more general information and promotions.
- Collection calendars and Christmas collection dates.
- Signposting to further information about waste reduction / composting / real nappies etc, so that if the resident desires, they are able to manage their waste further up the waste hierarchy. This is the type of communications that has been reduced or stopped as a result of austerity and reducing budgets.

It is important that local communications are provided regularly so that people do not lose motivation with their recycling behaviours. Regularity of communications also helps to ensure that new residents and transient populations are targeted with the communications and consequently able to participate in the recycling services.

Local authorities also require greater power and clarity with regard to the point where encouragement and communication should turn to enforcement. Some residents do not engage with the communications and do not participate in the recycling services or cause issues with quality due to contamination. If residents are not prepared to engage with local authorities, in order to drive high participation levels and capture of materials, enforcement powers are required with appropriate penalties to make non-participation unfavourable.

### **Proposal 12**

We will work with local authorities and others to improve transparency of information available to householders on the end destination for household recycling

Q38 Do you agree or disagree with this proposal?

Agree – government should work with local authorities and other stakeholders on this

Disagree – government should not work with local authorities and other stakeholders on this

Not sure/no opinion/not applicable

Q39 Do you have any other comments to make about Proposal 12?

This information is already available on WasteDataFlow. This proposal could add extra burdens on local authorities to provide information and resources are not available to do this.

The number of end destinations that Torbay Council uses for different streams of recycling is significant and it is common that several destinations might be used for the same material, over the course of a year. This will make providing this information to residents difficult to do in a meaningful way. It can also be difficult to obtain end destination information from the companies that recycling is sold to.

As part of the Devon Authorities Strategic Waste Committee, Torbay works with Resource Futures to knock on resident's doors and provide targeted advice and information about recycling and waste. In Torbay we have received feedback that with regard to information on end destinations, people are most interested to hear about how waste is treated at the Combined Heat and Power Energy from Waste facility and that they commonly express concerns about recycling being exported to China or being disposed of in landfill instead of being recycled. Leaflets were left at any properties where no-one was at home. The leaflet gave people the opportunity to request further information, including information on end destinations. 1006 leaflets were returned with requests for information or advice and of these, 72 asked for information about end destinations (7.16%).

It may be more appropriate for information to be provided at a national or regional level, which will allow for any myths to be disproven.

### **Proposal 13**

#### **End Markets**

Q40 Please use this space to briefly explain any comments you have on the issues discussed in this section.

Access to reprocessors is limited within the some areas of the UK, meaning there can be high costs associated with haulage to send materials collected to end destinations. Within the South West this is an issue. The majority of the core materials have to be hauled 100's of miles. Further investment or market intervention may be required to stimulate infrastructure development in the UK.

Stable local markets for the core materials will need to be in place before local authorities start to change their services. This helps to ensure that residents have faith in their recycling collection service and believe that the materials are actually recycled. If no market is available, the material will not be able to be recycled. Alternatively, materials prices may drop as a result of material flooding the market, with supply outweighing demand.

There is concern that within Devon and Cornwall there is a lack of anaerobic digestion facilities for processing food waste. Torbay already collects food waste, but is concerned that as demand for the limited number of facilities increases, with new food waste collections introduced, this will either push the facilities over capacity or drive an increase in gate fees due to increased demand. This would be exacerbated if businesses were also required to have a separate collection of food waste.

#### Proposal 14

We propose developing a set of non-binding performance indicators for local authorities to use to monitor waste management and recycling and to highlight where services can be improved to delivery higher recycling and minimise waste. In addition to the headline household recycling rate for the local authority we would propose 4 additional indicators covering the yields of dry recycling, food waste for recycling, garden waste for recycling, and residual waste. We would also work with local authorities to develop these and other indicators to reflect areas such as quality or contamination levels and service delivery.

Q41 Do you agree or disagree that introducing non-binding performance indicators for waste management and recycling is a good idea?

Agree

Disagree (why ...?)

Not sure/no opinion/not applicable

There are a range of performance indicators available on WasteDataFlow now. Performance indicators need to add value and be realistic. The number of PI's were reduced a number of years ago to reduce the burden on local authorities, however, most can be calculated from a local authority's Waste Data Flow submission.

Torbay Council seeks clarity on how the non-binding indicators might be used by government and seeks assurance that they will not be used as a means of withholding funding.

If English local authorities are required to meet the same targets as Wales, Scotland and Northern Ireland, we have concerns that English local authorities will be disadvantaged by the proposed service standards (especially regarding residual waste) and will not be operating on a level playing field.

Q42 Do you agree or disagree that the proposed indicators are appropriate?

Agree

Disagree (please expand ...)

Not sure/no opinion/not applicable

The indicators proposed are not inappropriate, however local authorities are already reporting this information.

If further data is required, this should be viewed as a new burden to local authorities and supported accordingly.

Q43 Do you have any comments to make about Proposal 14 or examples of indicators currently in use that may be of assistance?

Current indicators in use – NI 191, NI 192, NI 193, BVPI 82a & b and BVPI 84.



### **Proposal 15**

We will look at metrics that can sit alongside weight-based metrics and will work with stakeholders to develop these as set out in the Resources and Waste Strategy.

Q44 Do you agree that alternatives to weight-based metrics should be developed to understand recycling performance?

Agree

Disagree (why ...?)

Not sure/no opinion/not applicable

Q45 Do you agree that these alternatives should sit alongside current weight-based metrics

Agree

Disagree (why ...?)

Not sure/no opinion/not applicable

Q46 What environmental, economic or social metrics should we consider developing as alternatives to weight-based metrics?

We would agree with the proposal to consider metrics to sit alongside weight-based metrics, as it will help to prevent local authorities chasing heavier materials for performance, (e.g. garden waste) and allows for decisions about waste management to be based upon environmental benefits instead.

Yes we agree the alternatives should be alongside the current weight based metrics as these are still required for benchmarking purposes. Additionally many contracts are based on weights and will still be required to measure performance.

Potentially carbon, however, we believe that research is required to determine the lifecycle assessment and carbon impact of reusing / recycling / composting / energy recovery of different materials.

If more metrics are introduced to measure performance, any increased resources required at local authority level should be viewed as a new burden and appropriately resourced.

### **Proposal 16**

We want to support and enable greater collaboration and partnership working between authorities where this would accelerate the move to consistent collections and improve recycling and delivery of services.

Q47 Do you agree that greater partnership working between authorities could lead to improved waste management and higher levels of recycling?

Agree

Disagree (why ...?)

Not sure/no opinion/not applicable

We are already in partnerships with other local authorities. South West Devon Waste Partnership was jointly set up to deal with the residual waste in South Devon, this led to the procurement of the Energy from Waste plant in Plymouth.

Torbay Council is also a member of the Devon Authorities Strategic Waste Committee, a partnership of local authorities comprising of Torbay Council, Devon County Council, East Devon District Council, Exeter City Council, Mid Devon District Council, North Devon Council, South Hams District Council, Teignbridge District Council, Torridge District Council and West Devon Borough Council. This partnership has benefitted from the letting of joint contracts for sale and bulk haulage of recycling; funding of community schemes such as furniture reuse and householder communication campaigns.

Q48 What are the key barriers to greater partnership working?

Partnerships can work well, however they are not without issues. Some of the barriers faced can include objectives not shared by all parties and political aspirations can differ between authorities, which can cause conflict. Budgetary pressures on all or some within the partnership can also be a barrier.

Contract end / renewal dates can also act as a barrier to forming more formal partnerships.

Q49 How might government help overcome these barriers?

Funding and research into the best way to establish and grow waste partnerships.

Q50 Do you have any other comments to make about Proposal 16?

N/A

## **Part 2 Measures to improve recycling by businesses and other organisations that produce municipal waste**

### **Proposal 17**

We want to increase recycling from businesses and other organisations that produce municipal waste. We think the most effective way of doing this would be to legislate so that these establishments have to segregate their recyclable waste from residual waste so that it can be collected and recycled by waste operators.

Q51 Do you agree or disagree that businesses, public bodies and other organisations that produce municipal waste should be required to separate dry recyclable material from residual waste so that it can be collected and recycled?

Agree

Disagree (why ...?)

Not sure/no opinion/not applicable

Q52 Which of the 3 options do you favour?

Option 1 mixed dry recycling and separate glass recycling; no food waste collected for recycling

Option 2 mixed dry recycling and separate food recycling; no glass recycling  
Option 3 mixed dry recycling, separate glass recycling, separate food recycling  
Something else (please expand ...)  
Not sure/no opinion/not applicable

If householders are expected to present their waste in this way, businesses should also do so. It means confusion between what to do at work and home is eliminated if both are separated in the same way. This will also help to reduce the levels of contamination.

The way that the consultation is worded suggested that it will be a legal requirement for businesses to recycle. We would question why this would not apply to householders and would like to reiterate our answer to question 37 regarding the need for appropriate enforcement powers, if people do not engage with communications.

Q53 We would expect businesses to be able to segregate waste for recycling in all circumstances but would be interested in views on where this may not be practicable for technical, environmental or economic reasons  
Yes – it should be practicable to segregate waste for recycling in all circumstances  
No – some exceptions are needed for particular circumstances (please provide examples below)  
Not sure/no opinion/not applicable

Space available to segregate and present waste for collection, for example older buildings in urban areas, small concessions on beaches and in rural areas may find this a challenge.  
Some smaller businesses may not generate enough of a certain waste stream to warrant a collection of it.  
Also there could be issues with customers contaminating waste.

Q54 Should some businesses, public sector premises or other organisations be exempt from the requirement?  
Yes (which ones and why ...?)  
No  
Not sure/no opinion/not applicable

Q55 Do you have any other comments to make about Proposal 17?  
N/A

### **Proposal 18**

Where a business, public body or other organisation produces sufficient quantities of food waste we propose to legislate for this to be separated from residual waste and arrangements made for it to be collected and recycled.

Q56 Do you agree or disagree that businesses, public bodies or other organisations that produce sufficient quantities of food waste should be required to separate it from residual waste so that it can be collected and recycled?

Agree

Disagree (why ...?)

Not sure/no opinion/not applicable

Q57 Do you agree or disagree that there should be a minimum threshold, by weight, for businesses public bodies or other organisations to be required to separate food waste for collection?

Agree

Disagree (why ...?)

Not sure/no opinion/not applicable

If all businesses are expected to recycle this should include food waste as well. It also helps to ensure consistency of behaviour between work and home, which will help to drive higher levels of recycling.

Q58 Do you have any views on how we should define 'sufficient' in terms of businesses producing 'sufficient' quantities of food waste to be deemed in scope of the regulations?

No, all businesses should be obliged to recycle food waste.

Q59 Do you have any views on how we should define 'food-producing' businesses?

Possibly those businesses that receive Environmental Health checks.

Q60 In addition to those businesses that produce below a threshold amount of food waste, should any other premises be exempt from the requirement?

Yes (which ones and why ...?)

No

Not sure/no opinion/not applicable

Q61 Do you have any other comments to make about proposal 18?

Torbay Council has concerns about the capacity within anaerobic digestion facilities in Devon and Cornwall to treat increased levels of household food waste as well as increased business food waste.

### **Proposal 19**

If the proposals above are adopted, we would like to support businesses, public sector and other organisations to make the transition. In particular we would like to find ways to reduce the impact on small and micro businesses.

Q62 What are your views on the options proposed to reduced costs?

Recycling collections should be cheaper than residual waste collections, this acts as an incentive for businesses to recycle and not add a financial burden. If the disposal element of producer payments under EPR were used to subsidise recycling services to act as a further incentive for recycling. Or could be used to stimulate greater levels of recycling within these types of businesses.

Franchising waste collection services, will reduce the amount of operators in an area and mean it is more cost effective for both businesses and the waste operators.

Q63 Are there other ways to reduce the cost burden that we have overlooked?

Delivery of waste and/or recycling to waste sites or HWRC's by businesses.

Q64 Do you have any other views on how we can support businesses and other organisations to make the transition to improved recycling arrangements?

Assistance with communication and education to drive behaviour change.

### **Proposal 20**

As part of implementing consistency, we will work with waste producers and waste collectors in the non-household municipal sectors to improve reporting and data capture on 62 waste and recycling performance of businesses and other organisations. Any requirements will be subject to consultation.

Q65 Do you have any views on whether businesses and other organisations should be required to report data on their waste recycling performance?

Agree

Disagree (why ...?)

Not sure/no opinion/not applicable

As a local authority we already report waste collection and disposal data.

As a large organisation this would be a burden to report, we have many buildings and use contracts to collect waste and recycling and our contractors do not report to us the weights collected. There will be an increase in costs if waste collectors will have to report this information which will be passed onto the business.

Q66 Do you have any other comment on Proposal 20?

N/A

### Consultation on DRS for packaging

#### Introduction

1. Would you like your response to be confidential? **No**
2. What is your name? **Torbay Council**
3. What is your email address? **Waste&recycling@torbay.gov.uk**
4. Which best describes you? **Local Authority**
5. If you are responding on behalf of an organisation, what is its name?  
If you answered 'Yes' above, please give your reason:
6. Does your organisation have any recent experience of a DRS or related policy schemes? **No**  
If so, can you please briefly explain your experiences? **N/A**
7. Are you content for the UK government, or in Wales, the Welsh Government, or in Northern Ireland, DAERA to contact you again in relation to this consultation? **Yes**

#### Basic Principles

8. Do you agree with the basic principles for a DRS?

Yes

No

**I neither agree nor disagree**

I don't know / I don't have enough information

Torbay Council supports LARAC's views that the implementation of a DRS should be delayed until EPR reforms and consistent collections proposals are introduced and embedded. It is expected both of these will drive recycling and behaviour changes. Introducing a DRS at the same time as consistent collections could possibly confuse the public; do they put an item in the kerbside collection box or take it back to a RVM?

As the capture rate for a DRS is in excess of 70% to be required for a scheme to be financially viable; if targets can be achieved through EPR alone it may negate the need for the introduction of a hugely expensive DRS (£1 billion) which may operate at a loss if material is efficiently collected through kerbside.

Additionally, it is questionable whether the huge expenditure to implement and run a DRS will have a significant impact on litter reduction. According to the data supplied, up to 58% of litter is made up of cigarette butts, chewing gum and fast food packaging which is not addressed under the DRS.

#### Proposed Models for DRS

9. Should the following materials be-in scope of a DRS:

a. PET bottles

Yes

**No**

Neither

I don't know / I don't have enough information

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

There are comprehensive kerbside recycling services for this material and the introduction of a DRS to collect PET would risk duplication of infrastructure for its collection and transfer. Torbay Council has concerns that people will steal materials from recycling boxes awaiting collection to benefit from the deposit return, resulting in increased levels of littering. There is an unknown effect on the material markets if there was a separate stream of pure PET from a DRS. Local authorities tend to sell plastics as a mixed stream and we have concerns that this material stream would become less desirable to reprocessors if a DRS was introduced and it is likely that this will even further reduce their income.

b. HDPE bottles

Yes

**No**

Neither I don't know / I don't have enough information

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

There are comprehensive kerbside recycling services for this material and the introduction of a DRS to collect PET would risk duplication of infrastructure for its collection and transfer. Torbay Council has concerns that people will steal materials from recycling boxes awaiting collection to benefit from the deposit return, resulting in increased levels of littering. There is an unknown effect on the material markets if there was a separate stream of pure PET from a DRS. Local authorities tend to sell plastics as a mixed stream and we have concerns that this material stream would become less desirable to reprocessors if a DRS was introduced and it is likely that this will even further reduce their income.

c. Aluminium cans

Yes

**No**

Neither

I don't know / I don't have enough information

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

There are comprehensive kerbside recycling services for this material and the introduction of a DRS to collect PET would risk duplication of infrastructure for its collection and transfer. Torbay Council has concerns that people will steal materials from recycling boxes awaiting collection to benefit from the deposit return, resulting in increased levels of littering and again further reducing local authority income streams.

d. Steel cans

Yes

**No**

Neither

I don't know / I don't have enough information

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

There are comprehensive kerbside recycling services for this material and the introduction of a DRS to collect PET would risk duplication of infrastructure for its collection and transfer. Torbay Council has concerns that people will steal materials from recycling boxes awaiting collection to benefit from the deposit return, resulting in increased levels of littering and again further reducing local authority income streams.

e. Glass bottles

Yes

**No**

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view. f. Other (please specify)

There are comprehensive kerbside recycling services for this material and the introduction of a DRS to collect glass would risk duplication of infrastructure for its collection and transfer. Torbay Council has concerns that people will steal materials from recycling boxes awaiting collection to benefit from the deposit return, resulting in increased levels of littering. There would also be implications in terms of health and safety when handling glass for people who are untrained (eg. at manual return points). This again would further reduce local authority income streams.

10. Should the following materials be in scope of a DRS:

a. Cartons e.g. Tetrapack

**Yes**

No

Neither

I don't know / I don't have enough information

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

If a DRS was introduced Torbay Council would prefer that the materials that were collected were ones that weren't widely recycled at the kerbside or that are more difficult to recycle. Tetrapaks are collected at the kerbside in Torbay and this material stream is mixed with cardboard. The tetrapaks reduce the quality of the cardboard stream. If tetrapaks were to be diverted to a DRS then this would help to improve the quality of the cardboard collected through kerbside recycling collections.

b. Pouches and sachets, e.g. for energy gels

**Yes**

No

Neither

I don't know / I don't have enough information



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

If a DRS was introduced Torbay Council would prefer that the materials that were collected were ones that weren't widely recycled at the kerbside or that are more difficult to recycle. It is these harder to recycle items, which are not targeted by widespread kerbside collections that a DRS should target. This would create a good, clean material stream that would be likely to stimulate demand for the materials from reprocessors and would help to establish new 'widely recycled' material streams, which could then be considered for kerbside collection, in line with the proposed principles detailed in the Consultation on Consistency in Household and Business Recycling Collections in England. This would enable a DRS to work in tandem with kerbside collections and for the two systems to complement one another, instead of working against each other.

11. If a DRS were to be introduced, should provisions be made so that glass bottles can be re-used for refills, rather than crushed and re-melted into new glass bottles?

Yes In line with waste hierarchy

No

Neither

I don't know / I don't have enough information

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

Torbay Council does not have enough information to answer this question and would be keen for a study to be commissioned to see if this would be viable.

### Drinks in Scope

12. Should the following drinks be in-scope of a DRS:

a. Water

Yes

No

Neither

I don't know / I don't have enough information

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

Torbay Council does not support a DRS which covers the same materials that are collected at the kerbside by local authorities. We don't believe the additional gain in recycling capture is sufficient to offset the £1 billion investment.

b. Soft drinks (excluding juices)

Yes

No

Neither I don't know / I don't have enough information

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

Torbay Council does not support a DRS which covers the same materials that are collected at the kerbside by local authorities. We don't believe the additional gain in recycling capture is sufficient to offset the £1 billion investment.

c. Juices (fruit and vegetable)

Yes

**No**

Neither

I don't know / I don't have enough information

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

Torbay Council does not support a DRS which covers the same materials that are collected at the kerbside by local authorities. We don't believe the additional gain in recycling capture is sufficient to offset the £1 billion investment.

d. Alcoholic drinks

Yes (some)

Yes (all)

**No**

Neither

I don't know / I don't have enough information

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

Torbay Council does not support a DRS which covers the same materials that are collected at the kerbside by local authorities. We don't believe the additional gain in recycling capture is sufficient to offset the £1 billion investment.

e. Milk containing drinks

Yes (some)

Yes (all)

**No**

Neither

I don't know / I don't have enough information

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

Torbay Council does not support a DRS which covers the same materials that are collected at the kerbside by local authorities. We don't believe the additional gain in recycling capture is sufficient to offset the £1 billion investment.

f. Plant-based drinks (such as soya, rich almond and oat drinks)

Yes

**No**

Neither

I don't know / I don't have enough information

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

Torbay Council does not support a DRS which covers the same materials that are collected at the kerbside by local authorities. We don't believe the additional gain in recycling capture is sufficient to offset the £1 billion investment.

g. Milk

Yes

**No**

Neither

I don't know / I don't have enough information

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

Torbay Council does not support a DRS which covers the same materials that are collected at the kerbside by local authorities. We don't believe the additional gain in recycling capture is sufficient to offset the £1 billion investment.

h. Other (please state which):

**Disposable single use cups**

13. Do you think disposable cups should be in the scope of a DRS?

a. Disposable cups made from paper with a plastic lining (such as those used for coffee)

**Yes**

No

Neither

I don't know / I don't have enough information

b. Disposable cups made of plastic (such as those used in vending machines)

**Yes**

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view. The government is particularly interested in any evidence on whether or not it would be practical or cost effective to include disposable cups in the scope of a DRS.

If a DRS was introduced Torbay Council would prefer that the materials that were collected were ones that weren't widely recycled at the kerbside or that are more difficult to recycle. It is these harder to recycle items, which are not targeted by widespread kerbside collections that a DRS should target. This would create a good, clean material stream that would be likely to stimulate demand for the materials from reprocessors and would help to establish new 'widely recycled' material streams. This would enable a DRS to work in tandem with kerbside collections and for the two systems to complement one another, instead of working against each other.

If a DRS was introduced then the collection of coffee cups is something that would not be widely replicated by local authority collections. Plastic cups tend to be provided in commercial settings and would not usually fall into the domestic waste stream. If takeaway coffee cups were to be targeted by a DRS this would also have the benefit of targeting another material stream that does not have established recycling infrastructure, it is generally used in an on-the-go setting so less likely to end up being captured by kerbside collections and which the public is keen to see recycled.

Additionally, if coffee cups are not included it will give producers no incentive to ensure these items become more easily recyclable, therefore unlikely to invest in technology to do so. Coffee cups are often littered and therefore should be captured by a DRS if one was introduced.

### **Material and financial flows**

14. Do you agree with the proposed material flows as described above?

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

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

The 'Recycler' has too much control. They are able to set the prices but do not take the risk. The DMO and producers take the risk instead. Producers would also pay twice due to EPR.

There is possibly more than one stage to the 'Recycler' as some materials may be sent for sorting prior to processing.

We question the need for 'Counting Centres' but if they were to be used how many would there be and where would they be located? The 'Counting Centre' seems to replace the need for a 'Transfer station or bulking station', but would this result in an increase in the number of waste transfer facilities required or would existing facilities be redesigned to facilitate the requirements of the DRS generated material streams? Consideration of existing facilities' capacity to expand in terms of available space and also available tonnage within permit conditions and Planning restrictions would be required.

15. Do you agree with the proposed financial flows as described above?

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

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

The financial flows are likely to be oversimplified as there is no indication of how they will be affected by the proposed Extended Producer Responsibility for packaging.

#### **Overlap with packaging ERP scheme**

16. Should producers obligated under a DRS be:

a. Exempt from obligations under the reformed packaging producer responsibility system for the same packaging items?

b. Also obligated under the reformed packaging producer responsibility system for the same packaging items?

c. Other (please explain)

d. I don't know/I don't have enough information

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

It is important for costs to be covered either way, whether through DRS or EPR. This means that local authorities need to be compensated for what they collect at the kerbside or in litter bins / clearance. It would be important to monitor the levels of DRS materials that remain in kerbside recycling and residual waste and also in litter bin and litter clearance waste arisings, to ensure that producers were contributing appropriately to meet the net cost of collection, treatment and disposal of the packaging, both from DRS system and that material which is not collected this way and ends up with the local authority.

17. If producers were obligated under both a DRS and a reformed packaging producer responsibility system for the same packaging items, how could we effectively ensure that they would not be unfairly disadvantaged by a 'double charge'?

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

However it is arranged the charge to producers needs to ensure full net cost recovery for the materials that local authorities collect and for the management and operations of the DRS. Unspent deposits should be diverted to the EPR. If the DRS focussed on materials that are not usually collected at the kerbside then this would help to avoid duplication and double payments by producers. Further analysis of what percentage of materials local authorities will be likely to manage is required.

#### **Deposit Material Organisation**

18. Do you agree that the DMO should be responsible for meeting high collection targets set by government?

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

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

19. Should the DMO also be responsible for meeting high recycling targets set by government?

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

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

20. Should unredeemed deposits be used to part-fund the costs of the DRS system?

Yes

No

Neither

I don't know / I don't have enough information

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

The costs associated with a DRS should be covered by the producers. This should be a full net cost recovery, as per EPR.

As any of the packaging that hasn't been captured by the DRS are likely to end with the local authority for collection and disposal this revenue should be used to fund the full net cost recovery for this process.

21. If unredeemed deposits are not used to part-fund the costs of the DRS system, do you agree they should be passed to government?

Yes

No

Neither

I don't know / I don't have enough information Please briefly state the reasons for your response. Where available, please share evidence to support your view

As any of the packaging that hasn't been captured by the DRS are likely to end with the local authority for collection and disposal this revenue should be used to fund the full net cost recovery for this process.

22. Do you have alternative suggestions for where unredeemed deposits could be allocated?

The unredeemed deposits should be diverted to the EPR scheme to contribute towards the cost of collecting, treating and disposing of items missed by a DRS.

23. If the scheme is managed by the DMO, which of the following bodies should be represented on the management board:

a. Industry (drinks producers)?

b. Government

c. Trade associations representing those hosting return points (e.g. retailers, small shops, transport hubs)?

d. Companies representing those hosting return points (e.g. retailers, small shops, transport hubs)?

e. Other (please specify) Local government; WRAP; collectors; hauliers; reprocessors; Environment Agency

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

A DRS would overlap with local authority functions and local authorities don't yet know what their role will be in it. If there is a possibility that local authorities might be involved in the collection from DRS return points, their representation will be essential.

24. Should there be government involvement in the set-up/running of the DMO body?

Yes

No

Neither

I don't know / I don't have enough information

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

The government should allow WRAP to represent them. Whoever manages the DMO must be fully transparent and auditable so that the flows of both material and the revenue streams are clearly visible to all. A good example is the management of Waste Data Flow.

25. Do you agree with the government's proposals that a DMO would:

a. Advise government on the setting of the deposit level/s

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

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

The level of deposit charged on DRS materials would need to be carefully set to ensure that consumers are motivated to return items. If the deposit was too low then this would not result in high recycling rates through the DRS. However, if the deposit is too high, then there is a danger that consumers would be discouraged from purchasing the items in favour of ones that weren't included in the DRS. The deposit level would then ultimately impact on the materials that are captured by local authority collections at the kerbside and in litter bins and through litter clearance. To enable local authorities to plan and to organise their activities with maximum efficiency, stability in the amounts and types of materials captured by local authorities is required.

b. Set producer/importer fees

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

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

As long as this covers the DRS costs and also ensures the full net cost recovery of the materials not captured by the DRS and collected, treated and disposed of by local authorities. It will be important to ensure that there is room for movement in these fees to ensure that the currently unknown effects of the introduction of a DRS can be recognised within the financial model.

c. Be responsible for tracking deposits and financial flow in the DRS – and ensuring those running return points are paid the deposits they refund to consumers

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

Please briefly state the reasons for your response.

Where available, please share evidence to support your view

If a DRS is introduced then the DMO has to control all aspects of question 25 c – h as they will be the accountable body who ensures this scheme functions correctly.

d. Set and distribute the handling fees for return points

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

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

e. Be responsible for ensuring that there are appropriate return provisions for drinks containers in place, and that these are accessible?

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

f. Be responsible for maintenance of reverse vending machines (RVMs) and provision of bags/containers to those running manual return points

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

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

g. Own the material returned by consumers

Yes

No

I neither agree nor disagree



I don't know / I don't have enough information

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

h. Reimburse those transporting returned drinks containers to recyclers/counting/sorting centres – and manage these contracts

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

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

i. Fund counting sorting/centres – and manage the contracts for counting/sorting centres

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

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

We question the need for separate counting / sorting centres and would like further information about how the collection, transfer, counting and sorting of DRS materials will be managed. The Impact Assessment suggests that reverse haulage would be the preferred option, but there is no information about where the sorting and counting centres would be and whether these would be incorporated into existing waste transfer and treatment facilities.

j. Be legally responsible for meeting the high collection targets set by government for drinks containers within scope of the DRS.

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

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

k. Measure and report recycling rates to government

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

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

As per Waste Data Flow.

l. Run communications campaigns to aid consumer understanding of the DRS

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

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

### Producers

26. Do you agree with our proposed definition of a producer?

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

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

Yes based on the definition within the consultation document.

27. Should there be a de minimis which must be crossed for producers and importers of drinks in-scope of a DRS to be obligated to join the scheme?

Yes

No

Neither

I don't know / I don't have enough information

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

The costs of managing waste / recycling / litter are the same regardless of the size of the company which placed the item on the market. It is important that all companies placing items on the market are covered by the DRS. In Torbay much of the littering that occurs happens after people use smaller, local outlets, including independent takeaways and concessions on public beaches. This is another situation where the producer pays principle should be applied.

28. Should a de minimis be based on:

a. Number of employees

i. If yes, how many employees?

b. Sales figures

ii. If yes, what figure?

c. Volume/weight of drinks put on the market

iii. If yes, what volume/weight?

d. None of these

e. Other

29. If there is a buy back scheme for recycled materials, do you have evidence for how this could be effectively run?

As a local authority we have cannot comment on this.

### **Set up costs**

30. In line with the principle of full net cost recovery, the government proposes that producers would cover the set up costs of the DMO?

Do you agree with this proposal?

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

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

**Torbay Council supports the principle of full net cost recovery.**

31. Should the DMO be responsible for co-ordinating the set-up of the DRS, including buying RVMs and an IT system?

Yes

No

Neither

I don't know / I don't have enough information

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

**If the DMO is to be responsible for the ongoing management of the RVMs and the IT system required, then it is imperative that they are involved in its set up.**

### **Operational costs**

32. Should producers of drinks within a DRS be responsible for DRS operational costs?

Yes

No

Neither

I don't know / I don't have enough information

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

**Torbay Council supports the principle of full net cost recovery and the application of the producer pays principle.**

### **Retailers/Return provisions**

33. Which of the following should be obligated to host a return point?

a. Retailers who sell drinks containers in scope

b. Transport hubs

c. Leisure centres

d. Event venues

e. None of these

f. Other (please specify)

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

Torbay Council does not support a DRS, however, if one was to be introduced we would prefer for it to be one that can work in tandem with local authority kerbside collections, as stated in question 10 and could be used to stimulate wider recycling of materials that are not commonly collected at the kerbside or are more commonly used on-the-go than in the home. If a DRS was to be introduced, Torbay Council would prefer for it to be focussed on increasing on-the-go recycling, so the selected return point locations have been suggested.

34. What might the impacts be on those hosting:

(a) Reverse vending machines? Where available, please share evidence to support your view.

Space constraints; maintenance arrangements; customer queries and assistance; impact of vandalism; fly tipping or littering of not in scope materials; collection arrangements; power source; waste transfer legislation; health and safety implications; accessibility for consumers; administrative burden

(b) Manual return points? Where available, please share evidence to support your view.

Space constraints – many small local businesses are already limited in the space that they have available to store their own commercial waste; maintenance arrangements; customer queries and assistance; collection arrangements; waste transfer legislation; health and safety implications e.g. Manual handling; accessibility for consumers; administrative burden; technology requirements and training; how would they be audited?

35. Are there any Health and Safety-specific implications that may be associated with hosting return points?

Handling and moving waste – manual handling; hygiene risks from returned containers.

36. Is there a de minimis level under which businesses who sell drinks in scope should be exempt?

Yes

**No**

Neither

I don't know / I don't have enough information

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

If a DRS is introduced it needs to be accessible to all and should be used to try to ease littering problems associated with small independent outlets such as takeaways. This allows for application of the producer pays principle.

37. Should a de minimis be based on:

a. Floor size

i. If yes, what floor size?

c. Sales figures for drinks in scope (no b listed)

ii. If yes, what figure?

d. Number of employees

iii. If yes, how many employees?

e. None of these

f. Other (please specify)

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

We do not support a de minimis and if a DRS is introduced it needs to be accessible to all and should be used to try to ease littering problems associated with small independent outlets such as takeaways. This allows for application of the producer pays principle.

39. Do you have alternative suggestions for return provisions that could be used to accept the return of drinks containers? Please provide details.

N/A

40. For consumers who would have difficulty returning empty drinks containers, what provisions could be put in place so that these consumers are able to return drinks containers and receive their deposit refund?

If people have the ability to purchase items then they should also have the ability to return them, providing return points are provided at all points of purchase. Some people may require the person that does their shopping to return containers for them. One area that could leave an issue in terms of accessibility would be whether a DRS could also be facilitated through reverse haulage by online delivery vehicles due to the practicalities and hygiene implications of transporting waste and recycling in the same vehicle that is being used to deliver food and variable volumes involved. Also these vehicles would need waste carriers licences to back haul as any DRS material would be deemed as waste.

41. What provisions could be put in place for rural areas where there may be few small retail outlets spread over a wider area, in order to ensure that there are adequate return and collection facilities?

Torbay is not a rural authority, but we advocate all retailers being obligated to host return points to ensure that the DRS is as accessible as possible to all consumers regardless of where they live.

42. Do you have evidence that would help inform us about whether there is potential for siting RVMs outdoors e.g. in parks, at existing outdoor recycling centres, on highstreets?

If RVMs were to be located at recycling centres this would increase demand for entry to these sites, which may place a strain on the existing service and increase waiting

times for people using the sites as well as increasing traffic congestion leading to the sites.

The existing infrastructure at the recycling centre would need to be considered and how the collection and onwards haulage for the DRS materials would fit within the waste streams already managed at the site. Throughout the consultation document reference is made to DRS material streams being separate to local authority recycling centre, kerbside and commercial streams and will be of a higher quality, attracting greater revenue. If the DRS streams were needed to be kept separate from recycling centre and kerbside streams then in Torbay the space limitations at our recycling centre and transfer station would be prohibitive to managing DRS streams in addition to recycling centre; kerbside and commercial waste streams.

Within parks, high streets and other more open locations consideration would need to be given to power supply; potential for vandalism; care, monitoring and maintenance e.g. Who is responsible for reporting need for repairs?; Potential for fly tipping and littering of non-target materials at the sites; What is the capacity of a RVM and how often would it need to be emptied?; if RVMs were to be placed on tourist beaches would they be removed during winter so they wouldn't get damaged by storms?

43. Should online retailers selling drinks in in-scope containers be obligated to pick up and refund DRS material?

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where possible, please provide supporting information.

This allows for application of the producer pays principle and also helps to prevent online companies free-riding the system.

44. Should there be a de minimis under which online retailers would not be obligated to pick up and refund DRS material?

Yes

No

Neither

I don't know / I don't have enough information

If yes, should a de minimis for online retailers be based on:

- a. Sales figures for drinks in scope
- b. Number of employees
- c. None of these
- d. Other (please specify)

45. Should certain businesses which sell drinks in in-scope drinks containers host return points, e.g. pubs, hotels, cafes? Please provide details.

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where possible, please provide supporting information

46. Should there be an opportunity for retailers that don't stock drinks / those who may not be obligated to provide a return point to 'opt-in'?

Yes

No

Neither

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where possible, please provide supporting information.

This will help to ensure adequate coverage of return points across the country and ensure heightened accessibility to the return points.

47. Do you have any further views, comments or evidence in relation to retailers not already covered above?

The introduction of a DRS should not be looked at in isolation but consideration should be given to the affects that this might have on other social issues, such as town centre regeneration. The town centres in Torbay are declining as a result of online and out of town shopping. If a DRS is focussed around supermarkets over a certain size then there is a danger that this will further impact upon the decline of the town centres.

#### **On Trade sales**

48. How should a DRS account for 'on-trade' sites such as bars and restaurants

No comment to make.

#### **The deposit**

49. What do you consider to be the optimum deposit level to incentivise return of drinks containers? Please briefly state the reasons for your response. Where available, please share evidence to support your view.

If the deposit level is set too low then there will not be enough incentive to consumers to return the items and a higher percentage of in scope materials will remain within the local authority waste, recycling and litter collection and disposal infrastructure. In which case it will be essential to ensure that full net cost recovery of the management of the packaging is applied and that the local authority's costs for managing this packaging is met.

However, if the deposit level is set too high there is a risk that people will take materials from kerbside recycling collection containers and would be likely to cause littering of non-target materials when doing so. This would cause dis-amenity and

will have an effect on local authority collections in terms of reduced material income, as well as additional costs associated with the clearance of the litter.

50. Should the deposit level be a flat rate across all drinks containers covered by the DRS?

Yes

No

Neither

I don't know / I don't have enough information

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

We believe that consideration should be given to the consumer here. It may be more equitable to set the deposit as a percentage of the sale price instead of using a flat rate, although this would be more complicated to administer. It should also be considered whether the deposit level should represent the material that it is for and whether the costs of collecting, treating and disposing of this material should be a factor considered within the deposit level.

51. Should there be an alternative deposit level for drinks containers in a multipack, rather than each container carrying the same deposit?

Yes

No

Neither

I don't know / I don't have enough information

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

52. How do you think deposits should be redeemed? Please tick all that apply.

a. Voucher (for deposit value, printed by the reverse vending machine or by the retail assistant at manual drop-off points)

b. Digitally (for example a digital transfer to a smartphone application)

c. Cash

d. Return to debit card

e. Option to donate deposit to charity

f. Other (please state)

g. None of the above

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

Issues can be identified with many of the options here, but again this is an aspect of a DRS that will be central to the accessibility of the scheme to all consumers. In order to reduce the opportunity for fraud and also to discourage vandalism of any machines that may be sited in open spaces, cash should not be used. This will also reduce the need to visit the RVMs to fill them with cash.

With the technology available today, a DRS should take advantage of this and make the refund of the deposit work in a similar way to other electronic transactions that people complete. However, as not all people use smartphones or would feel safe



having a deposit returned to their debit card a voucher system would be required for those who wanted to use it, but this would create another layer of admin for those administering the scheme and may be open to fraud at manual return points. It might be possible for consumers to set up an online account to manage their deposit returns and the RVM could register the amounts returned and credit them to the consumer's account for them to redeem as they wish remotely from the RVM.

### **Sending material on for recycling and data recording**

53. Should the DMO be responsible for ensuring that there is evidence that drinks containers have been recycled?

Yes

No

Neither

I don't know / I don't have enough information

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

Existing legislation will require this to a certain extent in terms of waste transfer obligations and reporting associated with running a site with a waste permit. Reporting could be electronic and could be based on similar principles to Waste Data Flow.

54. In addition to reporting on collection rates, should the DMO also be obliged to report on recycling rates of in-scope drinks containers?

Yes

No

Neither

I don't know / I don't have enough information

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

This helps to ensure transparency of the scheme. It will be important to consider how far this reporting goes and how the materials not captured by the DRS end up being presented to local authorities as either kerbside recycling, residual waste collection, litter bins or litter clearance and how the effectiveness of the DRS is impacting on local authority collection, treatment and disposal costs and efficiencies.

### **Transparency**

55. How do you think transparent financial flows in a DRS could be achieved most effectively? Please explain your answer, providing evidence where available.

Transparency is not covered in any detail in the consultation document. Within local government there is a desire for as much transparency as possible in the way that payments to cover the full net cost of collecting, treating and disposing of materials not captured by a DRS. The DMO will need to be responsible and accountable for all transactions undertaken by this scheme and they will need to be externally audited on an annual basis.

## Monitoring and Enforcement

56. Would Environment Agencies in England, Wales and Northern Ireland be best placed to monitor/enforce a DRS covering England, Wales and Northern Ireland? If no, why and is there another body that would be better suited to perform this function?

Yes

No

Neither

I don't know / I don't have enough information

Please explain your answer.

The Environment Agency is already the regulatory authority for waste and has the knowledge, expertise and powers to perform this function. It would be essential for the monitoring activity to be adequately funded for it to be meaningful.

We do not believe that the monitoring and enforcement of a DRS should be completed by the local authority as the scheme encompasses many private sector organisations and the whole idea of DRS is that very little of the material included should end up being collected by them.

57. How frequently should the DMO be monitored? (This monitoring would look at, i.e., financial accounts, material flows, proof of recycling rates, setting of deposit level (if done by the DMO))

a. Annually

b. Bi-annually

Other (please specify)

58. How often should producers be checked for compliance with the DRS (if compliance is obligated)?

a. Annually

b. Bi-annually

Other (please specify)

59. Should enforcement focus on:

a. A sample of producers?

b. All producers?

60. Should any penalties (fines) on the DMO or producers/importers be set by the regulator appointed to monitor the DMO?

Yes

No

Neither

I don't know / I don't have enough information

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

Although there is no clear guidance on who the regulator would be, assuming that it was the Environment Agency then they should have the power to issue fines and

penalties at appropriate levels in relation to the seriousness of the offence. The full cost of monitoring and enforcement should be funded by the DRS.

### **Fraud**

61. Are there any points in the system which you think would be particularly susceptible to fraud? Please state

At the RVMs, depending on how they work; manual return points; bin mining for deposit values

62. Which labelling/markings on drinks containers in scope would best protect against fraud? Please select all that apply:

- a. Deposit value amount
- b. Marking indicating inclusion in DRS
- c. Existing product barcode (containing DRS information when scanned)
- d. Other (please specify)
- e. None of the above

Please explain your answer. We are particularly interested in evidence of effective fraud prevention in existing DRS systems.

No comment to make – more research is required.

63. How could return via reverse vending machines (RVMs) best be protected against fraud? We are particularly interested in any evidence you may have to support suggestions.

N/A

64. How could the process of manual returns best be protected against fraud? We are particularly interested in any evidence you may have to support suggestions.

N/A

65. How could a DRS best protect against fraud across Devolved Administrations in the event of similar schemes with common underlying principles (but not one uniform scheme)?

N/A

### **DRS Options – “all in” or “on the go”**

66. Should drinks containers over a certain size, for example beer kegs and containers used for water coolers, be excluded from an all-in DRS?

Yes

No

Neither

I don't know/I don't have enough information

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

It is uncommon for these items to be captured by local authority collections. They are largely used in commercial premises and we understand that there are already facilities in place to return these containers when they are replaced.

67.If drinks containers over a certain size were excluded from an all-in DRS, what should the maximum cut-off size be?

> 3 Litres

> 4 Litres

> 5 Litres

Other

There should be no maximum size cut-off

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

68. Do you agree with our definition of 'on-the-go' as less than 750mls in size?

Yes

No

Neither

I don't know/I don't have enough information

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

On the go drinks tend to be 500ml or less.

69.Do you agree with our definition of 'on-the-go' as excluding multipack containers?

Yes

No

Neither

I don't know/ I don't have enough information

Please briefly state the reasons for your response, including in which cases multipack containers should not be excluded from our definition of 'on-the-go'. Where available, please share evidence to support your view

This depends on where the multipack is most likely to be consumed. For example, there may be occasions such as large events where multipacks are purchased as an on the go item and discarded assuming it to be the responsibility of the event organiser to dispose of. DRS could make the purchaser of the goods consider taking their containers to a deposit point if there was a value to be recovered to them.

70.Based on the information above, and where relevant with reference to the associated costs and benefits outlined in our impact assessment (summarised below), which is your preferred DRS option?

All-in

On-the-go

Neither

I don't know / I don't have enough information

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

We believe that this will have the least impact on local authority kerbside collections and will have the best impact on targeting areas where littering is a problem.

### Outcome of impact assessment

71. Do you agree with our impact assessment?

Yes

**No**

I neither agree nor disagree

I don't know / I don't have enough information

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

Page 10 of the Impact Assessment comments that WRAP have stated that people over-report their on-the-go recycling behaviour, yet the Impact Assessment states that the higher figures have been used within the calculations, suggesting that there could be an error here.

We also have concerns regarding the litter disamenity value quoted of £986 million which is a hypothetical estimate on very limited data which gives the majority of the perceived benefit of this scheme. Also stated here is a £5.8 billion disamenity of litter benefit across the 27 million households across the UK and this is only a perceived benefit and unlikely to be realistically achieved so should not be included in any calculations.

In 5.4.2.2 GHG Emission reductions, we believe more analysis is needed to confirm that incineration from modern EFW's creates more CO<sub>2</sub>e than recycling, when also taking into account the additional mileage needed transport to recycling centres usually not in the same locality. The EFW used by Torbay, Plymouth and part of Devon for its residual waste, has had WRATE analysis data produced showing that it was better for emissions than AD plants. Confirmation is needed to prove the monetised benefit that has been added in the DRS Impact Assessment should be included.

There is also reference to the producer pays principal in this IA being one of the main reasons to introduce DRS to reduce the impact of littering to the natural environment. Therefore, why is this same producer pays principal not seen to be relevant when it comes to garden waste in the consistency consultation where DHCLG want to offer free collection of garden waste which totally contradicts the principal being highlighted in this consultation.

Another statistic quoted from the Marine Conservation Society from their Great British Beach Clean 2017 report showed drinks container litter as part of the three of the top ten item categories found on beaches, with glass and caps and lids. It also showed that litter from eating and drinking on the go counted for 20% of the litter on the beaches. From local beach cleans in Torbay the majority of on the go waste has been washed up from other sources which could include other countries with the material being carried by the tides. This calls into question available evidence that a DRS would improve this position.

English, Scottish and Welsh ministers agreed on the principals for cooperation and joined up thinking on a deposit return scheme if introduced. Again this approach is not consistent with the consistency consultation, in that the frequency of collections in England is proposed to be fortnightly unlike the rest of the UK who don't appear to be restricted to their collection frequency.

One of the main policy objectives is for higher quality recycling which whilst might be achieved through RVM's will have a detrimental effect on local authority kerbside collections in two ways; firstly the high value materials that local authorities receive will dramatically reduce thus reducing income and also local authorities will be left with the low grade materials which are likely due to market forces to achieve lower recycling income.

In the all in option we believe that the increase in recycling rate from the materials having an estimated 85% increase capture rate is excessive as much of this material gained from this scheme will be just be a diversion of material already collected by local authorities in current collection schemes.

It is stated in Economic Benefits of the DRS 5.3 that there will be a reduction in litter cleaning costs. Unless all litter is removed by any one scheme there will be very little saving in litter collection costs as the remaining material will still have to be picked up.

In the sensitivity analysis 6.3.2 it is stated that that this 70% return rate takes into account other people choosing to collect and return litter to receive a deposit even if the original owner did not, what hasn't been allowed for is unscrupulous people or even organised gangs mining kerbside bin collections for valuable materials which can be redeemed at DRS points.

72. Do you think more data is needed?

If yes, please state where.

Yes

No

Neither

I don't know / I don't have enough information

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

Specifically more data about the composition of litter arisings in all streams of local authority litter collection including litter bins, manual street sweeping and mechanical street sweepings. Including the percentage of which is packaging waste that would be in the scope of a DRS.

More evidence and data is required to justify the huge disamenity value gains that have been included in this consultation for them to be seriously considered. If this cannot be achieved then this figure should not be included.

73. Are there other costs and benefits which we have not covered in our impact assessment?

The Combustible Value (CV) of the feedstock delivered to the South West Devon Waste Partnership, Combined Heat and Power facility and the impact that this could have on our contract obligations.

Changes to the tonnages delivered to the facility could also result in reduced costs due to reduced tonnage, however, the gate fee per tonne would rise as the partnership started to deliver less than the optimum level of waste to realise the best gate fees.

As this system will be in addition to the current local authority collection operation no account or value has been allowed for regarding the additional greenhouse gas emissions that will be generated from the extra collections from the RVM's and transport to recycling facilities.

74. Do you have further comments on our impact assessment? Please be specific.

Introduction of a DRS seems to be replicating much infrastructure that is already in place for the recycling of the materials that have been suggested as being in scope of a DRS. Whilst we can see the opportunities for reverse haulage, we question how viable this will be, especially in more remote areas and in locations that aren't associated with a host company (e.g. town centre locations). Full consideration needs to be given to the extent to which there is already infrastructure which could cope with the collection, treatment and disposal of the in scope materials and where additional facilities would be required to facilitate the scheme.

75. The dual objectives of a DRS are to reduce litter and increase recycling. Do you wish to suggest an alternative model that would be more effective at achieving these objectives? If so please briefly describe it, making reference to any available evidence

A comprehensive kerbside recycling collection across the UK with the full net cost recovery offered by Extended Producer Responsibility, which should include investment in the investigation and development of on-the-go recycling solutions that would help to address the littering issues that a DRS is trying to resolve. At this point in time the effect of EPR on waste and recycling in the UK is still unknown, introducing a DRS at the same time could prevent the effectiveness of the EPR and opportunities for potential symbiosis and shared efficiencies between the two schemes could be lost.

If a DRS was introduced Torbay Council would prefer that the materials that were collected were ones that weren't widely recycled at the kerbside or that are more difficult to recycle. It is these harder to recycle items, which are not targeted by widespread kerbside collections that a DRS should target. This would create a good, clean material stream that would be likely to stimulate demand for the materials from reprocessors and would help to establish new 'widely recycled' material streams, which could then be considered for kerbside collection, in line with the proposed principles detailed in the Consultation on Consistency in Household and Business Recycling Collections in England. This would enable a DRS to work in

tandem with kerbside collections and for the two systems to complement one another, instead of working against each other.

76.A potential option for introducing a DRS could be to start with the 'on-the-go' model, and then expand/phase roll-out to 'all-in'. Do you think this would be an effective way to introduce a DRS?

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

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

Torbay Council would prefer for there not to be a DRS, but if there was we would prefer that it was limited to on the go and was not expanded to become an all in scheme later.

### **Outcomes of what we are trying to achieve**

77.Do you think a DRS would help us to achieve these outcomes?

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

a. Reduction in litter and litter disamenity (include expected % decrease where possible)

Yes

No

Neither

I don't know / I don't have enough information

This will depend on the extent of the DRS and how accessible it is to consumers across the country. It will also depend on the deposit level and how well this incentivises consumers to return their items. Socio-demographics are also likely to impact on return rates, meaning that different effects on littering are likely to be seen in different areas.

Torbay Council's litter collection costs are dictated by our contract with TOR2 and the cost of street cleansing and litter clearance is not available separately to the overall contract costs of the whole Street Scene service contract. In Torbay during 2017-18, 1081 tonnes of litter were collected from litter bins and through street sweeping but as a local authority we have no current estimation of the percentage of our litter, recycling and residual waste streams are composed of items that will be in the scope of a DRS, whether it is on the go or all in, or even what percentage of litter is made up of packaging. Torbay Council believes that further work is required to look at the composition of litter collected through all methods (street sweeping, litter bins, recycling on the go bins) and to establish what percentage of this litter is packaging.

We also have concerns that if the deposit level is set too high, people will steal 'in scope' items from recycling boxes and waste containers and would create a littering problem whilst doing so.



b. More recycling of drinks containers in scope of a DRS, especially those disposed of 'on-the-go'

Yes

No

Neither

I don't know / I don't have enough information

If a DRS was accessible at the point that litter is usually produced then there is scope for it increase recycling rates. People's behaviour changes when they are away from their home and consideration is needed of whether people will take home empty containers after a day on the beach, to claim back a deposit that represents a small fraction of the cost of their day out. We would like to see further research into the behaviour of people away from the home and how likely that are to use a DRS.

c. Higher quality recycling

Yes

No

Neither

I don't know / I don't have enough information

If material streams generated by a DRS were managed separately to those generated by local authority collections there is potential for the local authority streams to de-value due to the availability of the DRS streams, which the consultation will be of a higher, more desirable quality than kerbside schemes. This would impact negatively on the cost of collection for local authorities. Consideration of the capacity of existing infrastructure to manage separate higher quality material streams and keep them separate from the lower quality, kerbside streams of very similar material types. It is likely that similar material streams would have the same List of Waste Code for identification, which would result in mixing of the two streams where capacity for keeping them separate is limited operationally, preventing the additional revenue for a cleaner material stream from being realised.

d. Greater domestic reprocessing capacity through providing a stable and high quality supply of recyclable waste materials

Yes

No

I don't know / I don't have enough information

If a DRS was to be designed to complement existing collections for materials that are already collected widely at the kerbside and was to focus on more marginal materials such as coffee cups and crisp packets, this could help to stimulate markets for these materials and remove them directly from the residual waste stream, instead of displacing materials from kerbside collections.

78. Do you think a DRS, as set out in this consultation, is necessary in helping us achieve the outcomes outlined above?

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

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

The actual effects of the proposed Extended Producer Responsibility scheme for the UK are currently unknown. Torbay Council believes that the introduction of a DRS should be delayed and further investigated to ensure that a robust system which has been designed to work in tandem with existing waste and recycling collection services provided through both the public and the private sector from homes and businesses.

### Alternative approaches

79. Do you think the outcomes of what we are hoping to achieve could be reached through an alternative approach?

Yes

No

I neither agree nor disagree

Other (please state)

I don't know / I don't have enough information

Please explain your answer, providing evidence where available.

- Introduce EPR and allow to embed and review its effects on waste and recycling services and performance.
- Ensure that EPR includes funding for innovation and research in to waste management practices, for example how we get recycling on the go to work, so that materials can be captured for recycling.
- Ensure that local authority budgets are supported to the extent that pre-austerity service levels for litter collection and clearance can be re-introduced and maintained.
- Research the potential for a DRS to be introduced which can complement existing recycling services and that can be used to generate markets for more marginal materials which are not commonly collected at the kerbside (e.g. Crisp packets, coffee cups and tetrapaks).

80. Do you think an alternative approach would be a better way of achieving the outcomes?

Yes

No I neither agree nor disagree

Other (please state)

I don't know / I don't have enough information

Please explain your answer, providing evidence where available.

Please see answer to Question 79.

Further detailed questions

81. Are there particular local authority considerations that should be taken into account when considering whether to implement either an “all-in” or “on-the go” model?

This has been covered in our previous answers.

82. Are there specific considerations associated with your local authority that DRS policy makers should consider? (Specific examples and any cost estimates, where applicable, would add value to this response).

This has been covered in our previous answers.

83. What benefits and/or disadvantages can a DRS provide to your local authority? Specific examples and any cost estimates, where applicable, would add value to this response).

This has been covered in our previous answers.

84. Are there any specific considerations associated with local authorities that collect waste from designated DRS return points that we should consider? (Specific examples and any cost estimates, where applicable, would add value to this response).

As a local authority the increased costs and logistics of collecting from DRS points would not be something that we would consider undertaking at this time. Mainly because there is not enough detail on its workings to be confident that this would not increase the net cost to the authority.

If local authorities were to collect from DRS return points then the main consideration is whether the material stream from the DRS would need to be collected separately from that collected by kerbside collections or commercial collections. If there was a need to maintain separation then alterations to transfer stations are likely to be required and our current site certainly does not have capacity for this due to its current footprint.

#### **Design of drinks containers**

85. How should a DRS drive better design of packaging?

Please select all that apply:

a. Varying producer fees that reflect the environmental cost of the products that producers are placing on the market

b. An additional producer fee for producers using unnecessary and/or difficult to recycle packaging

c. Other (please specify) d. None of the above Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Packaging design needs to align itself with the EPR proposals.

86. Who should be involved in informing and advising on the environmental cost of products? Select all that apply

- a. Government
- b. Reprocessors
- c. Producers
- d. Local Authorities
- e. Waste management companies
- f. Other (please specify)

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

It is the responsibility in the main of those who produce the original products but government and waste management companies probably need to have some input to ensure the correct management of these materials.

#### **DRS and other waste legislation**

87. Do you agree or disagree with our assessment of other waste legislation that may need to be reviewed and amended?

Agree

Disagree

Neither agree nor disagree

I don't know / I don't have enough information

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

88. Do you have evidence to suggest that we might need to revise any other waste-related regulations as part of introducing a DRS? Please specify.

N/A

#### **Further comments**

89. Is there anything else we should be considering related to drinks container recycling and litter reduction which has not been covered by other questions?

N/A

### Consultation on EPR for packaging

#### Introduction

1. What is your name? **Torbay Council**
2. What is your email address? **Waste&recycling@torbay.gov.uk**
3. Which best describes you?

**Local government**

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

**Unitary Authority**

5. Would you like your response to be confidential?

**No**

#### Our approach

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

**(a) Yes**

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response. Specifically, if you respond No, please identify which principles you do not agree with and explain why.

**Torbay Council supports the principles of the proposed packaging EPR and would welcome a move towards a more circular economy. The principals proposed for packaging EPR allow for application of the producer pays principle and facilitate funding for local authority waste and recycling collections, transfer, treatment and disposal of packaging as well as the cost of administering and enforcing the scheme.**

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

**(a) Yes**

(b) No

(c) I neither agree nor disagree

If you answered No, please state which outcomes you do not agree with.

**Whilst the outcomes that are stated in the consultation document are broadly agreeable, Torbay Council does not support a DRS and has responded separately to the DEFRA consultation on DRS.**

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

**(a) Yes**

(b) No

(c) I neither agree nor disagree

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

**As most local authorities do not offer recycling collection services for these items, the majority of them currently end up in the residual waste stream. There is therefore an opportunity here to either redesign such products for improved recyclability; encourage behaviour change to more reusable items or for producers**

to meet the cost of disposal for these difficult to recycle items, allowing for further application of the producer pays principle.

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

The classifications described in the consultation document are not used by Torbay Council to categorise packaging. As a Unitary Authority, we are concerned with whether the packaging becomes waste at either a domestic or commercial source. This will affect the way that the packaging waste is collected and also the way that the collections are funded.

When describing waste streams for transfer and treatment, Torbay Council's contractor TOR2 is legally obliged to use the List of Waste classification system.

If there was a move to describe packaging in one of the two ways described, 'Consumer-facing and distribution/transit', would be preferred.

### Key Principles

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

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

There are many aspects to the definition of full net cost recovery that Torbay Council supports. The inclusion of the cost of collection of packaging waste, recycling, litter and fly tipping and the associated transfer and treatment costs is welcomed.

Torbay Council supports the funding of both national and local communications campaigns for packaging waste reduction, recycling and littering reduction.

Torbay Council supports the inclusion of costs related to data recording and feels it is appropriate that this includes local authority costs in relation to using Waste Data Flow.

Whilst we appreciate that the consultation document provides an outline of the broader principles, when defining full net cost recovery it is essential to ensure that all costs are considered. Torbay Council seeks clarity that the following costs have been considered and accounted for;

- Collection cost of packaging within the residual waste stream. We would also question whether landfill tax will be considered as a cost of residual waste

treatment and if a tax on incineration was to be introduced in the future, whether this would be included as part of the net cost calculation.

- The cost of collection from litter bins as well as litter clearance.
- The cost of providing, delivering and replacing containers required to facilitate recycling and residual waste collection of packaging.
- The effect that EPR will have on the cost of existing residual waste treatment contracts. Torbay Council is part of the South West Devon Waste Partnership (SWDWP) which has procured a joint contract for residual waste treatment at a combined heat and power facility in Plymouth. Whilst a reduced tonnage delivered to the facility by the partners would represent an overall saving to the SWDWP, the rate per tonne paid as a gate fee would increase. The pricing of the disposal contract is based upon tonnages that were forecast by the Partnership and the suggested changes (Consistency, EPR & DRS) to local authority waste streams would significantly change these forecasts. The contract runs until 2039 and if a 12% reduction in residual waste delivered to the facility was experienced, this would equate to a saving of approximately £31 million, but as a result of increased gate fees, we would incur an additional cost of £8.4 million, resulting in a net saving of £22.6 million.
- The cost of support services within a local authority which are used to deliver services, but are not a direct cost of the waste collection or disposal function(s) of the authority.
- Operational tasks associated with delivering waste and recycling services and collection of litter. Including cost of management and supervision of collection crews; training; in-cab technology to facilitate more efficient collections; provision of PPE; weighbridge; Cost of complying with Environmental Permits; bulking and transfer.
- The cost to support the waste and recycling and litter collection and disposal services including customer enquiries and complaints; weighbridge tickets and data management; transfer notes; ICT support, finance support.
- Provision of, collection from, transfer and treatment of packaging collected in recycling banks.
- Packaging waste managed at Household Waste Recycling Centres.
- The cost for any additional administrative burden created by EPR, although we accept that at present this is unknown.

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?

(a) Yes

(b) No

(c) I don't know

If No, please briefly state the reasons for your response and state what waste you think full net cost recovery should apply to.

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

(a) Yes

(b) No

(c) I don't know

If No, please briefly state the reasons for your response.

As a local authority, management of this waste does not usually fall within our remit and we feel that arrangements would be best made between packaging producers and their commercial / industrial consumers.

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.

(a) Yes they should

(b) No they should not

(c) I don't know

Please briefly state the reasons for your response.

Torbay Council believes that the introduction of a DRS should be delayed and further investigated to ensure that a robust system which has been designed to work in tandem with existing waste and recycling collection services provided through both the public and the private sector from homes and businesses. We believe that this can be done through the careful selection of the materials that are included in a DRS and do not support the range of materials suggested in the consultation document.

Torbay Council would like to see the full net cost recovery of all packaging waste that we manage as a Unitary Authority. It is important to ensure that the cost of managing materials that are not captured by a DRS are included within the full net cost recovery and that however the payment is made (either through DRS or EPR) that the full cost of managing all capture of that packaging in various waste streams is covered.

#### **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?

(a) Yes

(b) No

(c) I neither agree nor disagree



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

Torbay Council would be keen to see that any list developed was robust, transparent and accepted by all stakeholders. The list would need to be regularly reviewed and updated to capture changes in the net cost of managing different materials over time. Regular review would also be essential to ensure that new innovations in both waste management and packaging design could be normalised, or we would have concerns that the list could potentially limit progress in working towards a circular economy.

Torbay Council believes that local government should be represented in the development of any list of 'approved' recyclable packaging, so that the inherent links with the proposals for collection of core materials within the Consistency consultation, can be incorporated into the list and the two can develop together.

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 and provide any information to support your view.

Torbay Council's view is that both methods of paying fees could help bring about changes in packaging design so that products are easier to recycle. Given that the options are directly linked to a particular governance model, it is difficult to assess them purely on the criteria of promoting product design change.

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

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

There is scope for abuse of both types of system, in terms of falsifying evidence. The current PRN system is open to and has been subject to, such abuse.

If the deposit system was used producers might end up paying more than required to cover the actual costs of managing packaging through the deposit scheme. The deposit scheme would also be more complex and difficult to administer.

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

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

If closed loop recycling was given a value by the deposit scheme then this would help to increase the income received for materials used within closed loop recycling.

### 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

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

This will help to ensure that the aim of influencing product design will be most likely to be achieved, as the brand owner will have more influence over product design than the seller.

It also ensures that the changes needed are influenced from the bottom up and assurance of where the compliance needs to be monitored from are clear so that the audit trail is easily traceable.

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

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

This will help to ensure the inclusion of all packaging materials in EPR, without directly placing the burden of compliance onto small businesses.

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

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

Within Torbay many of these types of establishments cause littering through their business activity. Their trading can also result in heavy use of litter bins in some areas. This means that additional resources need to be used in the clearance of litter

and more frequent emptying of litter bins. For example, in Torquay the night time economy has a litter problem associated with small takeaways and there are also litter problems when beaches are used heavily in good weather and many people use the independent businesses at the beach.

The inclusion of small cafes and restaurants in EPR will help to ensure that the true cost of managing the waste generated by these premises is recovered and will allow for further application of the producer pays principle. By ensuring that the owners of these businesses are obligated, they will be more likely to provide recycling facilities, helping better on-the-go recycling infrastructure to be developed.

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

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

Torbay Council would prefer to see a single point of compliance, but if shared responsibility was to be retained then option B seems to deliver changes in packaging design.

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

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

N/A

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

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

A single point of compliance will help to ensure compliance by all and will help to avoid free riding. There is also scope for a single point of compliance scheme to drive change in packaging design, more quickly than a shared system would.

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

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

An allocation formula would help to provide incentive to reduce and /or change packaging. It also means that the fee paid would be relative to the size of the business.

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 ecommerce sales?

(a) Yes

(b) No

(c) Other, please suggest options

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

It will be easier to manage compliance with a smaller number of businesses than it would to manage compliance of users of the marketplaces, although we would question how this could be enforced.

The packaging generated by the business activity of these marketplaces is currently present within the waste and recycling managed by local authorities, for which they are currently bearing the cost.

Over the last ten years the amount of cardboard collected for recycling in Torbay has significantly increased as more and more people shop online. In 2010-11, 1,794.91 tonnes were collected from household sources, by 2017-18 this increased to 3,712.77. This has caused problems with the sizing of the compartments on the collection vehicles used to collect recycling and has increased the number of journeys required to empty the vehicles, increasing the cost of collection. This is a problem that is exacerbated at Christmas and has contributed towards operational issues resulting in unreliable recycling collection services within Torbay, following Christmas.

### **Supporting Improved Collections 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

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

(a) NO

Torbay Council believes that local authorities should receive payments for the packaging that they manage as a fundamental principle of an EPR scheme. We

do not believe that this should be dependent on minimum service standards and we do not believe that service standards should differ between different nations within the United Kingdom. Torbay Council does not wish to be put in a position where minimum service standards could have the perverse effect of payments being withheld if a local authority is unable to meet the service standards for genuine reasons.

(b) YES

Torbay Council believes that quantity of materials collected for recycling should form part of the basis of payments. However, if quality was to be included local authorities would be at risk of being penalised in terms of withheld payments. For local authorities, quality issues often arise due to consumers making incorrect choices when recycling waste. Torbay Council believes that the cost of communicating with consumers to help ensure that material quality is maximised, is part of the cost of managing packaging waste and should be treated as such.

(c) YES

It will be important to ensure that this is based on true costs. There are significant differences in the cost of managing residual waste at both regional and even local levels and these differences need to be captured within the payments to ensure transparency. It will also be essential to ensure that the composition of residual waste is known so that a fair and transparent recovery of costs can be obtained. This will change over time, which needs to be considered.

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

(a) Yes

(b) No

(c) I neither agree nor disagree

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

Torbay Council seeks clarity that the following costs have been considered and accounted for;

- Collection cost of packaging within the residual waste stream. We would also question whether landfill tax will be considered as a cost of residual waste treatment and if a tax on incineration was to be introduced in the future, whether this would be included as part of the net cost calculation.
- The cost of collection from litter bins as well as litter clearance.
- The cost of providing, delivering and replacing containers required to facilitate recycling residual waste collection of packaging.
- The effect that EPR will have on the cost of existing residual waste treatment contracts. Torbay Council is part of the South West Devon Waste Partnership

(SWDWP) which has procured a joint contract for residual waste treatment at a combined heat and power facility in Plymouth. Whilst a reduced tonnage delivered to the facility by the partners would represent an overall saving to the SWDWP, the rate per tonne paid as a gate fee would increase. The pricing of the disposal contract is based upon tonnages that were forecast by the Partnership and the suggested changes (Consistency, EPR & DRS) to local authority waste streams would significantly change these forecasts. The contract runs until 2039 and if a 12% reduction in residual waste delivered to the facility was experienced, this would equate to a saving of approximately £31 million, but as a result of increased gate fees, we would incur an additional cost of £8.4 million, resulting in a net saving of £22.6 million.

- The cost of support services within a local authority which are used to deliver services, but are not a direct cost of the waste collection or disposal function(s) of the authority.
- Operational tasks associated with delivering waste and recycling services and collection of litter. Including cost of management and supervision of collection crews; training; in-cab technology to facilitate more efficient collections; provision of PPE; weighbridge; Cost of complying with Environmental Permits; bulking and transfer.
- The cost to support the waste and recycling and litter collection and disposal services including customer enquiries and complaints; weighbridge tickets and data management; transfer notes; ICT support, finance support.
- Provision of, collection from, transfer and treatment of packaging collected in recycling banks.
- Packaging waste managed at Household Waste Recycling Centres.
- The cost for any additional administrative burden created by EPR, although we accept that at present this is unknown.

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

(a) Yes

(b) No

(c) I neither agree nor disagree

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

A true net cost recovery is required in the same way that it is for household waste and recycling. This needs to account for the geographical locations of businesses as this has a massive effect on collection costs.

It will be important to ensure that recycling collection companies pass on the producer payment element of the service to the customer, so that recycling is incentivised.

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

(a) Yes

(b) No

(c) I neither agree nor disagree

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

If a payment was received by these businesses then there would not be a fiscal mechanism to incentivise recycling within businesses. It might be possible to use the payment to subsidise recycling services to act as a further incentive. Or instead of passing the payment on, the money could be used to stimulate greater levels of recycling within these types of businesses.

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

The effect that EPR will have on the cost of existing residual waste treatment contracts. Torbay Council is part of the South West Devon Waste Partnership (SWDWP) which has procured a joint contract for residual waste treatment at a combined heat and power facility in Plymouth. Whilst a reduced tonnage delivered to the facility by the partners would represent an overall saving to the SWDWP, the rate per tonne paid as a gate fee would increase. The pricing of the disposal contract is based upon tonnages that were forecast by the Partnership and the suggested changes (Consistency, EPR & DRS) to local authority waste streams would significantly change these forecasts. The contract runs until 2039 and if a 12% reduction in residual waste delivered to the facility was experienced, this would equate to a saving of approximately £31 million, but as a result of increased gate fees, we would incur an additional cost of £8.4 million, resulting in a net saving of £22.6 million.

The material markets and how the fluctuations will be captured by the EPR system. At present material prices represent a huge risk to many local authorities / waste collection contractors.

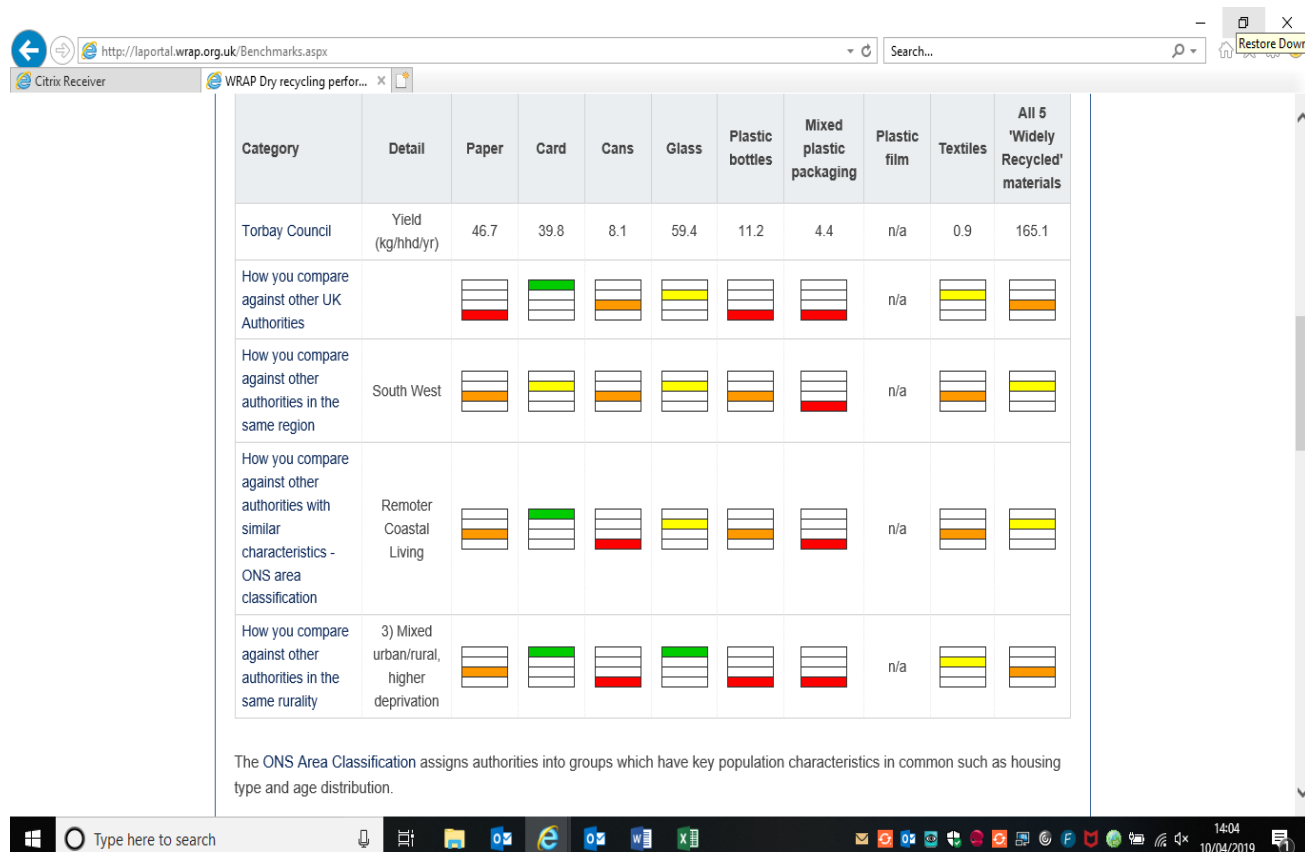
Where local authorities use a contractor for waste and recycling collection services, how it can be ensured that the contractor passes on the producer payments to local authorities in a fully transparent way.

Torbay Council shares LARAC's concerns about the use of the reference cost that the consultation document refers to, which may become used as a ceiling for funding to local authorities. This would be against the principle of full net cost recovery.

Torbay Council believes that this has been over simplified. Although socio-demographics are central to recycling performance, there are many other factors which can affect performance. Two authorities with very similar characteristics can perform very differently in terms of recycling performance. Factors such as local communications, materials

collected, how the materials are collected (kerbside sort or comingled) housing stock (space and design) can all affect recycling performance and these factors aren't accounted for in the formula above.

When comparing Torbay's recycling performance against other local authorities with similar socio-demographic characteristics, significant differences can be seen. Using the WRAP Local Authority Portal <http://laportal.wrap.org.uk> the following differences in recycling performance can be observed.



The Local Authority Portal also provides benchmarking data regarding local authorities in the same 'rurality' as Torbay. Due to the huge differences in performance of authorities in the same rurality as Torbay (Mixed Urban/Rural, higher deprivation), we do not believe that this would be a suitable factor to base payments upon.



http://laportal.wrap.org.uk/Benchmarks.aspx

< Back to Torbay Council

Kerbside material-specific recycling and residual performance 2016/17 - Rurality - Rurality 3 (Mixed Urban/Rural, higher deprivation)

	Paper (kg/hh/yr)	Card (kg/hh/yr)	Cans (kg/hh/yr)	Glass (kg/hh/yr)	Plastic bottles (kg/hh/yr)	Mixed plastic packaging (kg/hh/yr)	Textiles (kg/hh/yr)	All 5 'Widely Recycled' materials (kg/hh/yr)	Household Residual Waste collected at kerbside (kg/hh/yr)
Minimum*	20.2	5.5	4.9	3.8	6.2	3.2	0.0	92.3	642.6
Lower quartile	42.0	24.1	8.3	43.0	11.5	4.9	0.5	140.3	489.3
Median	63.9	28.5	9.6	49.5	13.7	5.4	0.8	167.9	453.7
Upper quartile	83.8	33.4	11.4	57.7	15.7	6.2	1.0	187.2	398.7
Maximum	101.7	52.4	17.0	88.9	24.2	9.6	3.5	231.3	219.4
Count	73	73	73	65	72	53	16	64	73

Quartiles for residual benchmark tables have been reversed in comparison to those for recycling so that a local authority appears in the upper quartile if their yield is in the bottom 25% of all authorities in the comparison group. This recognises the reduction in residual waste produced as an indicator of performance.

\*As values are rounded to the nearest 1 decimal place, minimum values of 0.0 may occur.

The location / region of a local authority within the country also needs to be considered. For example, there are less recycling facilities and infrastructure within the South West (especially Devon and Cornwall), meaning that local authorities and their contractors need to haul materials further to the reprocessors, resulting in increased costs.

Torbay Council also has concerns about the use of formulas / methods of calculation that are not specific to the local authority. There is fear that if a funding formula was used then this might leave Torbay Council with a budget deficit. This was the case when a formula was applied for bus passes

How will an efficient service be defined and if a service is considered to be inefficient how will this be addressed? We believe that if a service is identified as inefficient then measures should be taken to support that local authority in developing their service to run efficiently, taking into account local factors which may affect efficiency, rather than for the local authority to be penalised through withheld / ceiling payments.

It is essential that geographical differences which impact on the cost of waste and recycling and its efficiency are fully taken into account, to allow for true full net cost recovery.

- (b) For the collection and recycling of household-like packaging waste? Please explain the reasons for your response and provide any information to support your view.

How to ensure that producer payments are passed on and used to incentivise sustainable waste management within businesses producing household-like waste.

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?

Torbay Council's litter collection costs are dictated by our contract with TOR2 and there is no separate identification of the cost of managing packaging as opposed to other types of waste. There is no local evidence to demonstrate what percentage of litter or fly tipping is made up of bottles and cans, so this is difficult to estimate.

Based on the February 2018 WRAP Cymru study 'The Composition of Litter in Wales', which looks at litter collected through a variety of methods including litter bins, recycling on-the-go bins and street sweeping, dense plastic, including plastic bottles and plastic tubs and trays accounted for 16.4% and ferrous and non-ferrous metals including cans made up 11.6% of the litter sampled. However, there is no indication of the percentage of these materials that are packaging.

In Torbay during 2017-18, 1081 tonnes of litter were collected from litter bins and through street sweeping. Using the figures from the WRAP Wales study, this suggests a potential annual arising of 177 tonnes of dense plastics and 125 tonnes of metal. However, only a percentage of this would be packaging.

Torbay Council believes that further work is required to look at the composition of litter and fly tipping, collected through all methods (street sweeping, litter bins, recycling on the go bins) and to provide data regarding the cost of management of littered and fly-tipped packaging waste. The cost of this research should be borne by packaging producers allowing for further application of the producer pays principle.

In 2013 the street cleansing budget was cut by £128,000 in Torbay and the services rationalised. The number of sites of litter and dog waste bins was reduced and the frequency that areas outside of the town centres were swept, both mechanically and manually, was reduced. The chewing gum removal service ceased and the frequency of hot washing was reduced. This was a result of austerity and was completed to achieve a balanced budget.

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

The fees should be used to establish a national network of on-the-go litter provision, which offers consistent services to avoid consumer confusion.

Communication and education should be funded by the producer fees to encourage behaviour change outside of the home and to tackle issues with contamination of on-the-go recycling bins, which currently leads to much of the litter collected for recycling to be disposed of instead. This should be focussed at both national and local levels.

Research should be funded so that the composition of litter and on-the-go packaging waste can be better understood and the correct materials targeted.

Ultimately the producer fees should be used to encourage behaviour change and incentivise consumers not to use single use products. For example, across Devon the 'Refill Devon' project encourages the use of refillable water bottles and has established a network of establishments which offer free refills of water bottles, to try to reduce the number of single-use plastic bottles that are generated on-the-go.

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

Torbay Council does not have any separate information on the cost of the on-the-go recycling provision. Torbay Council's litter collection costs are dictated by our contract with TOR2 and there is no separate identification of the cost of on-the-go recycling provision.

Where facilities are provided, there are problems with contamination, which means that the material is commonly disposed of rather than recycled.

We believe that further research is required to develop a strategy for on-the-go recycling provision and we believe that this should be funded by EPR.

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?

(a) Yes

(b) No

(c) I neither agree nor disagree

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

It is important to make sure that these cups are captured under EPR or DRS. Torbay Council would prefer that disposable cups were covered by a DRS, as these are often used on-the-go and are not often collected using local authority recycling services.

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

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

Torbay Council would prefer that disposable cups were covered by a DRS, as these are often used on-the-go and are not often collected using local authority recycling services. It is important to ensure that the cost of managing any cups that arise in the residual waste stream are included in full net cost recovery (EPR).

The success of the plastic bag tax in the UK should be built upon with different materials, such as disposable cups, to drive behaviour change. Additional legislation in line with the plastic bag tax would ensure that this was achieved quickly and would almost completely eradicate their use. Offering better incentives to reuse cups will also massively improve the situation whilst also reducing on-the-go littering and reduce litter bin arising's, which ultimately are either landfilled or incinerated.

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

(a) Yes

(b) No

(c) I neither agree nor disagree

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

We do not believe that a specific target is required and that if the methods suggested in question 35 were used to encourage recycling and behaviour change, this would work to achieve high levels of waste minimisation and recycling.

Communication and education would encourage behaviour change, so that more people would choose to use reusable cups and if a tax was introduced similar to the plastic bag tax, this would drive waste minimisation of disposable cups.

The management and reporting would be too onerous.

#### **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?

(a) Yes

(b) No

(c) I neither agree nor disagree

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

Local, service related communications are part of the cost of managing packaging waste and recycling. It has been proven that communications and education are effective at encouraging behaviour change and driving higher levels of recycling. In order to use a waste and recycling service effectively, people need to be able to understand how to use it and locally specific communications are essential for this.

Communication and education are also effective ways of tackling issues with quality of materials. If consumers are able to separate their waste properly for recycling this has a direct effect on improving the quality of materials collected.

Any funding to support local communications should be delivered as a specific grant and ring fenced for local waste communications, to allow for transparency.

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

(a) Yes

(b) No

(c) I neither agree nor disagree

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

We believe that national communications effectively support local communications and help to drive behaviour change and higher levels of recycling. The campaign materials currently provided by WRAP are invaluable to local authorities and help to ensure consistent messages regarding recycling across the country. We would be keen for the government to commit to the further development of the national communication resources.

In some circumstances, where materials are appropriate to be the focus of waste minimisation rather than recycling (eg. Disposable cups), the need for communication would be reduced as the use of the items decreased. Legislation to force such changes would be required as has been evidenced by the plastic bags tax.

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

(a) Yes

(b) No

(c) I neither agree nor disagree

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

If producers are making packaging, they should be responsible for the cost of communications to ensure that their consumers know how to manage the packaging when it becomes waste.

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

a) Yes

(b) No

(c) I neither agree nor disagree

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

At present on-pack recycling information is confusing to the consumer and can be misleading. Everything can be recycled where facilities exist and there are currently different messages being communicated to consumers depending on their location in the country.

Labelling needs to be clear and unambiguous and the recyclability of packaging should be linked to the core consistency materials identified for collection at the kerbside.

We support LARAC's view that OPRL should be taken forward as the mandatory label for recycling in the UK as it is already well recognised by customers, is widely backed and used by the retail and packaging industry.

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

(a) Yes

(b) No

(c) I neither agree nor disagree

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

Torbay Council believes that the most important message to be present on packaging is about whether the item can or cannot be recycled. We are unclear about whether its inclusion would encourage people to change their purchasing choices and are concerned that additional messages, including recycled content percentage could cause confusion.

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

N/A

Q43. Do you have any other proposals for a labelling system? Please describe briefly.

As a local authority we support WRAP and LARAC's work on developing OPRL.

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

No.

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

(a) Yes

(b) No

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

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

Although we believe that the estimates made in the material flows may be the best available data, we believe that further work is required to establish robust and reliable data for packaging waste. If future policy is to be based on this data then we do not believe that it is adequate and would like to see further research to develop data in this area.

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

(a) Yes

(b) No

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

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

Torbay Council supports LARAC's view that with regards to the alternative methodology to packaging reporting outlined on page 62 of the consultation, it should be noted that contamination, including process loss, is reported consistently by local authorities in Waste Data Flow as a result of the recently updated question 100.

Material flows must be clearly evidenced. There may be concerns about sample size and frequency which can be allayed by implementing and enforcing a consistent sampling regime, similar to that introduced through the MRF Code of Practice. Even a limited sample size is preferable to theoretical modelling based on "variations in the weight data for individual packaging items used to calculate total packaging."

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

(a) Yes

(b) No

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

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

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

(a) Yes

(b) No

(c) I neither agree nor disagree

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

The targets are ambitious and we would question the assumption that an additional 4-5% increase would come from consistent collections. These materials are already collected by local authorities, so uplifts of 4-5% in 2025 and up to 12% (steel) by 2030 are unrealistic unless there are significant changes in consumer behaviour and participation in recycling. As EPR and Consistency are not due to be introduced until 2023, the timescale to meet these targets may be too short.

For local authorities, targets are useful and can help to drive service improvements and higher levels of recycling, but the targets need to be realistic and take into account local characteristics which may affect performance in that area.

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

(a) Yes

(b) No

(c) I neither agree nor disagree

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

See comments for question 48.

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.

- Restriction on residual waste in terms of frequency or container size, supported by a comprehensive and frequent recycling collection. Moving to a three or four weekly residual waste collection has resulted in reduced amounts of residual waste being collected (-15% in East Devon) and the amount of material collected for recycling increase significantly. Although much resource is moved from the collection of residual waste to the collection of recycling, there are cost savings to be realised in terms of reduced number of collections and savings on disposal costs. Material income will also increase as a result of recycling more.

Torbay Council has been considering options for residual waste collection in the future. Consultants White Young Green were commissioned to complete a study of the best potential recycling collection vehicles for Torbay and as part of this study, they state that a decrease in residual waste of 14% is typical where a three weekly residual waste collection is introduced. An increase of 45% in food waste and 9% in recycling yields is typical for authorities that move to three weekly collections of residual waste. This is based upon trials completed in Somerset.

- Campaigns to encourage behaviour change and increase participation in recycling.
- Compulsory recycling, supported by a robust enforcement regime, to be used in situations where education and communication have failed.
- Direct charging for the collection of household waste. Evidence from other countries shows that this is a massive driver for behaviour change.

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

(a) Yes

(b) No

(c) Don't know

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

Waste Data Flow shows that it is possible for complete and robust data to be provided. This will also be simplified as more waste data is held electronically.

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

(a) Yes

(b) No



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

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

We would not want to see secondary materials lose their market value by being used to create lower value products. The additional costs of collection and sorting that may be incurred to deliver material for a closed loop application would need to be covered if closed markets are more costly to provide material for.

Q53. Should government set specific targets for individual formats of composite packaging?

(a) Yes

(b) No

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

If yes, what key categories of composite packaging should be considered?

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

Whilst targets for individual formats of composite packaging may help to improve sorting and recycling infrastructure for these products, we would prefer to see a DRS used to stimulate recycling infrastructure for items that are more difficult to recycle or that have underdeveloped infrastructure for its recycling and that are not commonly collected at the kerbside.

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

(a) Yes

(b) No

(c) I neither agree nor disagree

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

We believe that the targets may be too ambitious as changes are not due to be introduced until 2023.

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

(a) Yes

(b) No

(c) I neither agree nor disagree

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

### **Governance Arrangements**

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

(a) Model 1

(b) Model 2

(c) Model 3

(d) Model 4

Please briefly explain your preference.

Model 2 allows local authorities to deal with only one organisation, so there will be no procurement or contracting issues and therefore offers a degree of simplicity and clarity which would be beneficial to local authorities.

The model reduces the need to issue evidence, which is a current failing of the PRN system. Central registration and reporting to one organisation will help to ensure transparency and reduce free-riding and will simplify enforcement.

Provides certainty to local authorities that funding for their services will be available and there will be no preferential treatment of local authorities depending on their location.

Torbay Council is keen to see local authorities represented in the governance arrangements.

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?

Whilst Torbay Council prefers Model 2, whichever model is chosen we are keen to see the following principles working within that model;

- Avoidance of evidence stockpiling and profiteering, as has been witnessed under the current system.
- Concept of full net cost recovery must be central to the model and should ensure that contributions are adequate to cover full net cost recovery.
- Where evidence is required in order for payments to be made this must be simple and transparent.
- Model should not introduce a burden to local authorities, especially if this is not included in full net cost recovery.
- Timing of payments – it is essential that local authorities receive payments as quickly as possible.
- Producer payments must be adequate to deliver full net cost recovery.
- Model must be able to allow for export of waste for recycling.

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.

Model 1 – this would require more resources for local authorities to manage due to the need to renew contracts with the bidding compliance scheme. We have found that due to the higher costs of managing WEEE in a rural area, there have been issues with attracting a WEEE compliance scheme.

Model 3 – For local authorities this would result in duplication of contact due to the need to deal with waste from businesses and waste from households separately.

Model 4 – Potential payment mechanisms and cash flows appear to be complicated compared to other models. Model 4 also refers to producers needing to pay more than full net cost. Model 4 is not proven and is not currently in operation in another country, making it un-proven and a greater risk for the UK to implement.

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?

Model 2 as one single central body would be able to have a strategic oversight which can benefit the UK as a whole.

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?

(a) Yes

(b) No

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

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

Torbay Council does not support the use of Model 1. The fact that the WEEE compliance scheme is not currently meeting the targets set and producers are having to pay top up fees suggests that the model for the WEEE system is not suitable to be applied to EPR.

If a similar model to that used for WEEE was used, Torbay Council would be looking for assurances that all local authorities would be partnered with a compliance scheme and that none were left unrepresented and unable to benefit from full net cost recovery.

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.

Torbay Council does not support Model 1 and believes that a Packaging Advisory Board would add to the complexity of this model. As a result of EPR the UK needs guided and considered plans for developing infrastructure. A strategic oversight from one organisation is more likely to provide this.

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.

Torbay Council does not have strong views on this, but is keen to see a transparent and accountable organisation, with representation of all stakeholders, including local authorities.

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?

(a) Yes

(b) No

(c) If no, would you like to suggest an alternative approach?

Providing that the requirements of the scheme are clearly defined and an appropriate analysis of the bids was completed. The length of the licence period would need to be carefully considered in order for it to be long enough for strategic decisions to be made. The organisation would need to be independent from the main stakeholders of EPR.

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

(a) Yes

(b) No

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

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

Torbay Council supports Model 2 and believes that it should be used to ensure compliance across all sectors.

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?

(a) Yes

(b) No

(c) 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?

(d) If no: do you have suggestions on an alternative approach?

Torbay Council does not support Model 3 and believes that Model 2 should be used.

Q66. Under model 4 are producers more likely to?

(a) Manage their own compliance?

(b) Join a compliance scheme?

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

Torbay Council does not support Model 4.

**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?

(a) Yes

(b) No

(c) I neither agree nor disagree

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

To ensure sustainable waste management and legal compliance. Communication is required to build confidence in exported waste and what happens to it when it leaves the country.

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?

(a) Yes

(b) No

(c) I neither agree nor disagree

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

Providing that adequate resources are made available for regulators, the measures will improve compliance with legal exportation requirements and will help to ensure reliable export markets for materials.

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

(a) Yes

(b) No

(c) If yes, please explain which potential measures should be considered.

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

(a) Yes

(b) No

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

With regard to measure ten (10) and the sorting and cleaning of packaging before reprocessing and/or export, we would be concerned about the additional cost burden that might be placed on local authorities to facilitate this. We are also concerned that this might not always be required and would prefer to see this as a requirement only if it was necessary.

### **A more transparent system**

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

**(a) Yes**

(b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view. If you answered no, how would you suggest transparency is provided on how income from the sale of evidence has been used to support capacity building?

As transparency is one of the main issues with the current PRN system, this needs to be tackled as part of an EPR system.

It will be important to make sure that the information requested is of sufficient detail to be able to ensure transparency. High level accounts may not be adequate for this.

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

**a) Yes**

b) No

c) I don't know

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

This will help to ensure that EPR is auditable and transparent and local authorities have to account for every ton of waste that comes under their control via Waste Data Flow so why should this not be the case for reprocessors.

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

a) Yes

b) No

**c) I don't know**

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

Timely data will help to smooth out market conditions if there is to be a market element to the model chosen.

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?

(a) Yes

(b) No

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

If yes, please provide details

Torbay Council does not support Model 4 due to concerns about the way that the current PRN system operates and the similarities between Model 4 and the current PRN system.

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

(a) Yes

(b) No

(c) I don't know

If Yes, please briefly state the reasons for your response and provide any information to support your view.

Torbay Council supports Model 2, which does not require compliance schemes.

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?

(a) Yes, approved as now

(b) Other, please explain

However the EPR scheme is regulated, sufficient resources are required to ensure its full and thorough regulation.

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

(a) Yes

(b) No

(c) I don't know

If yes, please briefly state the reasons for your response and provide any information to support your view.

Further work is required to develop a potential single producer organisation. Local authorities should be represented in the governance arrangements.

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

a) Yes

b) No

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

Information on packaging needs to be easy to understand and not contradictory or misleading. The correct information in a place that is trusted and reliable could help to inform purchasing habits and to drive behaviour change.

This information would be best provided at a National level rather than locally for consistency.

## Compliance Monitoring and Enforcement

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

(a) Yes

(b) No

If yes please explain which datasets will be needed.

As EPR is only in the early stages of development in the UK it will be important to remain open minded about whether further data sets are required.

As a local authority data appears to be missing particularly surrounding litter composition and the percentage of this that is packaging. Further information is also required about where packaging is captured (eg litter bin, litter clearance, mechanical sweeping, recycling banks, HWRCs, kerbside recycling, kerbside residual waste). Information about the composition of residual waste sent for disposal will also be important so that true net cost recovery can be achieved.

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

(a) Yes

(b) No

If yes, please provide further information on where producing accurate data may be an issue.

N/A

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

(a) Yes

(b) No

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

This would be a simple and straight-forward system which will offer clarity and transparency to all stakeholders, which should help to ensure greater confidence in it. It will also help to ensure a consistent application and calculation of obligations.

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?

(a) Yes

(b) No

(c) I neither agree nor disagree

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



This will help to ensure transparency and prevention of fraud. However if a compliance scheme was to be auditing its own members this could be seen as a conflict of interests. To combat this, the regulator could review a sample of audits.

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

**(a) Yes**

(b) No

(c) I neither agree nor disagree

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

A strong legal framework is needed to enable the regulator to enforce the scheme. All stakeholders will be keen to see a fair and transparent system with all obligated producers contributing towards the cost of managing packaging waste.

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?

**a) Yes**

b) No

If yes, please explain which other enforcement mechanisms should be considered.

Fines and ultimately prosecution. We would also like regulators to have powers to request information from accountants and suppliers about the financial and business activities of a suspected free-rider.

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

Please provide brief details.

N/A

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

a) Yes

b) No

**c) I don't know**

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

If a penalty was applied, Torbay Council would be keen to see it set at a level that is more expensive than compliance, so that non-compliance based on cost is not viable.

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

a) Yes

**b) No**

c) I don't know

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

Torbay Council supports LARAC's view that the fewer places within the chain that can issue evidence, then the less likelihood there is for unintended consequences or possible attempts to make commercial gains from the EPR system. By leaving the evidence point at the reprocessor / exporter this also means that there will be no need to adjust weights for non-target or rejected materials, which will help to simplify the system and make it more efficient.

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

a) Yes

**b) No**

If yes, please explain which other enforcement powers should be available.

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

**(a) Yes**

(b) No

(c) I neither agree nor disagree

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

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?

(a) Yes

**(b) No**

If yes, please provide information on any evidence you have.

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?

(a) Yes

(b) No

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

N/A

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?

**a) Yes**

b) No

c) If yes, please explain which other mechanisms could prevent imported packaging waste being claimed as UK packaging waste.

Torbay Council supports LARAC's view that a central database similar to question 100 of Waste Data Flow could be used to help the regulator identify anomalies between reporting and evidence of recycling.

#### 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?

N/A

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

There is not sufficient detail in the Impact Assessment to be able to comment on this. The Impact Assessment is not meaningful nor detailed enough in the areas that it should be and is not clear enough.

Better information is required on the assumptions underpinning the data and a clearer explanation of how the costs have been built up is required. It is difficult to provide scrutiny and comment on the Impact Assessment in a meaningful way.

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

N/A



## Plastic Packaging Tax

Consultation response submission form

Publication date: 11 March 2020

Closing date for comments: 20 May 2020

<b>Subject of this consultation:</b>	The Plastic Packaging Tax which from April 2022 will apply to plastic packaging manufactured in or imported into the UK containing less than 30% recycled plastic.
<b>Scope of this consultation:</b>	At Budget 2020, the government announced key decisions it had taken for the design of Plastic Packaging Tax in light of stakeholder responses to the previous consultation in 2019. This document provides more information on these announced areas, as well as asking for views on areas of the tax design which have been further refined as we move closer to the implementation date.
<b>Who should read this:</b>	The government would like to hear from businesses, individuals, tax advisers, trade and professional bodies and other interested parties.
<b>Duration:</b>	11 March 2020 to 20 May 2020 (10 weeks).
<b>Lead official:</b>	Alex Marsh, HM Revenue and Customs.
<b>How to respond or enquire about this consultation:</b>	Responses or enquiries should be sent by 20 May 2020, by email to <a href="mailto:indirecttaxdesign.team@hmrc.gov.uk">indirecttaxdesign.team@hmrc.gov.uk</a> or by post to: Alex Marsh, 3rd Floor Ralli Quays, Stanley Street, M60 9LA.
<b>Additional ways to be involved:</b>	In order to engage with businesses and individuals who would be affected by the proposals in this consultation, the government will be consulting key stakeholders and interested parties on the proposals through meetings. If you would like to be included in a consultative meeting, please contact us via the email above.
<b>After the consultation:</b>	The government will aim to analyse responses and publish a formal responses document within 12 weeks after the end of the consultation period.
<b>Getting to this stage:</b>	The responses to the government's Call for Evidence on single-use plastic waste in 2018 highlighted that using recycled plastic is often more expensive than using new plastic. At Budget 2018, the government proposed to use a new tax to encourage the use of recycled plastic and has taken the responses from the first consultation, published in 2019, into consideration to develop the proposals presented here.
<b>Previous engagement:</b>	During the first consultation period, the government had meetings with various stakeholders to discuss the impact of the initial proposals. The government also conducted market research to improve understanding of the packaging industry.

## Consultation

This response form is to be used for responding to HMRC's consultation on a Plastic Packaging Tax. The consultation in full can be found on the following link - <https://www.gov.uk/government/consultations/plastic-packaging-tax-policy-design>.

## Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018, General Data Protection Regulation (GDPR) and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that under FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals with, amongst other things, obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on HM Revenue and Customs.

## Consultation privacy notice

This notice sets out how we will use your personal data, and your rights. It is made under Articles 13 and/or 14 of the General Data Protection Regulation.

## Your data

### The data

We will process the following personal data:

Name  
Email address  
Postal address  
Phone number  
Job title

### Purpose

The purpose for which we are processing your personal data is: The Plastic Packaging Tax Consultation.

### Legal basis of processing

The legal basis for processing your personal data is that the processing is necessary for the exercise of a function of a government department.

### Recipients

Your personal data will be shared by us with HM Treasury.

## **Retention**

Your personal data will be kept by us for six years and will then be deleted.

## **Your rights**

- You have the right to request information about how your personal data are processed, and to request a copy of that personal data.
- You have the right to request that any inaccuracies in your personal data are rectified without delay.
- You have the right to request that any incomplete personal data are completed, including by means of a supplementary statement.
- You have the right to request that your personal data are erased if there is no longer a justification for them to be processed.
- You have the right in certain circumstances (for example, where accuracy is contested) to request that the processing of your personal data is restricted.

## **Complaints**

If you consider that your personal data has been misused or mishandled, you may make a complaint to the Information Commissioner, who is an independent regulator. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
0303 123 1113  
[casework@ico.org.uk](mailto:casework@ico.org.uk)

Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

## **Contact details**

The data controller for your personal data is HM Revenue and Customs. The contact details for the data controller are:

HMRC  
100 Parliament Street  
Westminster  
London SW1A 2BQ

The contact details for HMRC's Data Protection Officer are:

The Data Protection Officer  
HM Revenue and Customs  
7th Floor, 10 South Colonnade  
Canary Wharf, London E14 4PU  
[advice.dpa@hmrc.gsi.gov.uk](mailto:advice.dpa@hmrc.gsi.gov.uk)

## About you

### Your name

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### Who are you submitting this response on behalf of? (Please only tick one)

Business representative organisation/trade body

In the case of representative bodies please provide information on the number and nature of people you represent

Packaging designer

Packaging manufacturer / converter

Product manufacturer / pack filler

Distributor

Online marketplace

Fulfilment house operator

Retailer

Plastic packaging importer

Plastic packaging exporter

Waste Management Company

Re-processor

Local government

Community group

Non-governmental organisation

Charity or social enterprise

Consultancy

Academic or research

Individual

Other

If you answered 'Other' above, please provide details:



**Please provide the name of the organisation/business you represent (if applicable)**

Torbay Council

**If you are in business, where is your business established?**

- England
- Scotland
- Northern Ireland
- Wales
- Isle of Man
- Other EU - please state
- Non EU - please state

**If you are in business, how many staff do you employ across the UK?**

- Fewer than 10
- 10 - 49
- 50 - 249
- More than 249
- Prefer not to say

**Are you an obligated packaging producer under Producer Responsibility (Packaging Waste) Regulations in the UK?**

No

**If you are a business that manufactures or imports plastic packaging, how many tonnes of plastic packaging do you manufacture or import annually?**

N/A

**Please provide any further information about your organisation or business activities that you think might help us put your answers in context.**

Unitary Local Authority

**Would you like your response to be confidential? Why? (please note the information on confidentiality on page 3)**

No



## Liability for the tax – chapter 4

Businesses who manufacture in the UK, or import plastic packaging into the UK will be liable to pay the tax, subject to relevant exemptions and the small operator threshold explained in chapter 5. This chapter outlines the government's proposals for when the tax will be chargeable and who the chargeable person will be.

**Question 6. Do you agree the proposed charging conditions will ensure that the UK manufacturer of plastic packaging is liable for the tax? If not, please explain why.**

Torbay Council supports LARAC's opinion that the rate of 30% recycled content for plastic packaging may not have the intended outcome of stimulating reprocessing and local markets. If producers are able to source cheaper recyclates from non-UK supplied sources the desired stimulation in local markets and infrastructure would not be achieved. If Circular Economy principles are to be supported materials collected within the UK should be prioritised for inclusion in new packaging and should be considered as an additional condition to trigger the tax.

**Question 7. Do you foresee any issues for specific packaging components due to the proposed approach of disregarding further ancillary processes for the purposes of the tax? Please explain what these issues are.**

No comment

**Question 8. Do you have any observations on the proposed treatment of imports of plastic packaging, particularly linking the tax point to "first commercial exploitation" i.e. when it is controlled, moved, stored, is subject to an agreement to sell, or otherwise used in the UK in the course or furtherance of business?**

The first point of 'commercial exploitation' seems reasonable.

**Question 9. Do you agree the "consignee" on import documentation is likely to be the taxable person for imports of plastic packaging? In what scenarios might someone else be the person on whose behalf the plastic packaging is commercially exploited?**

No comment

**Question 10. Do you agree that packaging that is damaged after the tax has become due should not be relieved? If not, please explain why you think this packaging should be relieved.**

This approach appears reasonable

**Question 11. Do you foresee any difficulty or added costs with the proposal for the taxable person to incorporate the amount of Plastic Packaging Tax onto the sales invoice, and if so, could this information be provided to customers in any other way?**

No comment

**Question 12. Are the proposals for joint and several liability reasonable? If not, please say why?**

The proposals appear reasonable

**Question 13.** Do you envisage any problems with extending joint and several liability to online marketplaces and fulfilment house operators who knew, or had reasonable grounds to suspect that the tax had not been accounted for on sales made through their platform?

No comment

**Question 14.** Will extending joint and several liability to third-party fulfilment house operators and online marketplaces be sufficient to deter overseas sellers from non-compliance with the tax? If not, what other steps should HMRC consider?

No comment

## Excluding small operators ('de minimis') – chapter 5

The government wants to ensure that the administrative burdens for businesses manufacturing and/or importing small amounts of plastic packaging, and the costs of administering and collecting the tax, are not disproportionate to the environmental harms the tax seeks to address. To achieve this, the government proposed in the previous consultation that only businesses over a minimum threshold, or a 'de minimis', would be in scope of the tax. This chapter sets out more detail on the government's de minimis proposals.

**Question 15. Do you agree with the proposed guidance and tools to help business determine if they are above or below the de minimis? What other help could the government provide?**

No comment

**Question 16. Do you agree with the approach to record keeping for businesses below de minimis? If you disagree, please suggest what alternative approaches would be more appropriate and why.**

No comment

**Question 17. Do you agree with the proposed forward and backward look test to apply the 10 tonne threshold? If you disagree, please suggest what would be more suitable and provide evidence to support your view.**

No comment

## Evidence requirements – chapter 6

This chapter sets out the government’s updated proposals to help businesses fulfil their Plastic Packaging Tax obligations and safeguard the tax from avoidance and evasion.

**Question 18.** Do you agree with the government’s proposal to restrict calculations of recycled plastic content to approved methods? If not, please explain why. What methods other than the proposed mass balance approach should be considered?

No comment

**Question 19.** Where businesses are importing plastic packaging with at least 30% recycled content, will it be feasible for them to obtain the mass balance evidence from overseas manufacturers? What other ways could importers demonstrate the proportion of recycled plastic?

Businesses should also detail where the recycled content was sourced. For local markets to be stimulated, using locally sourced recycle needs to be prioritised/incentivised.

**Question 20.** Do you agree with the government’s proposed method for calculating the weight of the packaging? If not, please explain why and how you would calculate it.

No comment

**Question 21.** Are the types of evidence within the government’s list appropriate for proving recycled plastic content and the other information required by HMRC? Are there any additional sources of evidence which could be used? If so, please provide details.

No comment

**Question 22.** What further due diligence could businesses reasonably conduct to ensure their products meet the relevant specifications for tonnage and recycled plastic?

If possible businesses should be encouraged to source UK supplied recycled plastic packaging to strengthen demand for locally collected plastics which will provide a more secure and reliable material market for plastics for local authorities and their contractors.



## Exports – chapter 7

This chapter sets out the government’s updated approach for exports of plastic packaging. As set out in the government’s initial consultation, UK manufacturers will not be disadvantaged because exported plastic packaging will be relieved from the tax.

**Question 23. Are there any observations or issues you can see with the government’s proposals to provide relief for exported plastic packaging through direct exports, REPs and tax credits? Please provide details of any alternative methods of relieving exports you would recommend.**

Torbay Council would prefer to see packaging that is exported liable to tax. By not taxing exported packaging there is concern there will be insufficient pull through of end markets for reprocessing plastic to achieve the stimulus to maintain viable markets. If viable and economic end markets for plastic recycling are not available local authorities could continue to be challenged with establishing secure long term markets for plastics which they will be obligated to collect as part of the consistency requirements.

**Question 24. Do you agree with the proposed information requirements to evidence the proposed export reliefs? If not, please explain how you could evidence the export.**

No comment

**Question 25. Do you agree with the proposal not to relieve transport packaging used on exports? If not, do you have any suggestions on how transport packaging could be offered relief?**

No comment

## Registrations, returns and enforcement – chapter 8

This chapter sets out the registration and returns requirements for the tax, and the compliance and enforcement regime HMRC will operate to ensure a level playing-field for all.

**Question 26.** Do you consider these registration requirements to be appropriate? If not, please specify why.

No comment

**Question 27.** Do you agree that the group eligibility criteria are appropriate? If not, please specify why.

No comment

**Question 28.** In your view, are businesses eligible to form a group likely to make use of this facility? If so, please estimate the value of savings that may be offered by registering and reporting as a group.

No comment

**Question 29.** Do you agree that these deregistration requirements are appropriate? If not, please specify why.

No comment

**Question 30.** In your view, will the reporting requirements be straightforward to comply with? If not, please provide details of any issues you expect.

No comment

**Question 31.** Do you intend to use a third-party agent to help meet your obligations for the tax or are you an agent expecting to provide this service? Would you expect their responsibilities to include filing your returns?

N/A

**Question 32.** Please provide details of the expected costs to your business of registering for the tax, and any expected one-off and on-going costs of completing, filing and paying the return, excluding any expected tax liability.

N/A

**Question 33.** Do you consider that HMRC's approach to powers and penalties is appropriate? If not, please specify why.

No comment

## Understanding commercial practices – chapter 9

**Question 34.** Unless already covered in your responses to other questions within this document or the previous consultation, please tell us about the plastic packaging manufactured or imported by your business and how you think your business would be impacted by the tax, including additional administrative burdens?

N/A

## Assessment of impacts – chapter 10

**Question 35.** Do you have any comments on the assessment of equality and other impacts in the Tax Impact Assessment?

Stimulation of the UK recycling market is Torbay Council's primary concern regarding the plastic packaging tax and agrees with LARAC's viewpoint that the assumption the tax will create a greater demand for the material and stimulate recycling and reduced residual waste will only apply if businesses source the recycle from UK supplied organisations. If the recycled plastic is sourced from non-UK collected plastics there will be no change and local authorities may continue to be faced with an unstable market for collected material.

## Submitting your response

Your response should be sent by 20 May 2020, by email to [indirecttaxdesign.team@hmrc.gov.uk](mailto:indirecttaxdesign.team@hmrc.gov.uk) or by post to: Alex Marsh, 3rd Floor Ralli Quays, Stanley Street, M60 9LA.

Paper copies of this document or copies in Welsh and alternative formats (large print, audio and Braille) may be obtained free of charge from the above address. This document can also be accessed from [HMRC's GOV.UK pages](#). All responses will be acknowledged, but it will not be possible to give substantive replies to individual representations.

When responding please say if you are a business, individual or representative body. In the case of representative bodies please provide information on the number and nature of people you represent.

# Resource and Waste Management Strategy Report of the Overview and Scrutiny Board

Report to the Cabinet – 15 December  
2020

## Background

1. The Overview and Scrutiny Board met on 11 November 2020 to consider the draft Resource and Waste Management Strategy.
2. The Board supported the overall aims of the Strategy to reduce waste and increase recycling to help tackle climate change. Members discussed and asked questions in relation to the following areas:
  - what other options for saving money and increasing recycling had been considered;
  - what happened to the green waste;
  - issues in connection with the proposed trial of three weekly collections and increasing recycling in town centre and Houses of Multiple Occupation (HMOs);
  - the difference in the budget shown in the Resource and Waste Management Strategy - £475k in two to three years and £600k in 2021/2022 in the draft budget proposals;
  - trends for percentages for recycling targets and some of the reasons for the decline;
  - impact on climate change of positive action being taken to reduce the amount of waste going to the energy from waste plant and the increase in recycling;
  - waste fleet and staffing resources, including the appointment of new recycling officers;
  - the role of education and role of planning to ensure that adequate bin storage provision is included within developments;
  - role of large supermarkets and local organisations in helping to reduce waste, especially plastic and making more use of easily recycled materials.
3. That Board agreed that the Cabinet be recommended:
  - (i) that when the Christmas bin collection notices go out to households this includes information on recycling and the financial and environmental benefit of increasing recycling;
  - (ii) that consideration be given to other areas to improve recycling in addition to improving kerbside recycling;
  - (iii) that the Resource and Waste Strategy should include a glossary of abbreviations and an appendix with the planning advice to developers;

- (vi) that a detailed written response be provided to the Board on the breakdown of the £500k savings for 2021/2022 from SWISCo identified within the budget consultation proposals; and
- (vii) to request officers to liaise with the five major waste producers in Torbay to see if they can work together to help reduce waste and increase recycling (unanimous).

**Cabinet Response to the recommendations of the Overview and Scrutiny Board – Resource and Waste Management Strategy**

<b>No.</b>	<b>Recommendation:</b>	<b>Cabinet Response:</b>
1.	That when the Christmas bin collection notices go out to households this includes information on recycling and the financial and environmental benefit of increasing recycling;	<p>Information, communication and engagement with our residents will be much wider than this recommendation requests with a Education, Engagement and Communication Plan developed with the aim of increasing recycling rates in Torbay.</p> <p>Within the strategy we have added more information under this action about the role of the Recycling Co-ordinators and how they will be working with our recycling teams – all with the aim of increasing our recycling rates. We will proactively educate and encourage residents to recycle, and our education, engagement and communication campaigns will be critical to the successful implementation of this Strategy. We will continue with promotions such as “Love Food, Hate Waste” in partnership with others.</p>
2.	That consideration be given to other areas to improve recycling in addition to improving kerbside recycling;	The Resource and waste Strategies priorities will focus on where we believe the quickest and most significant gains can be made, which are increasing Kerbside recycling collections, with the main focus on increasing food waste through a high profile Education programme, but in time all areas will be looked at including Kerbside collected garden waste, Flats recycling improvements, Commercial waste, and Recycling banks.

3.	That the Resource and Waste Strategy should include a glossary of abbreviations and an appendix with the planning advice to developers;	<p>The document has been reviewed and the unnecessary acronyms/abbreviations removed as far as is possible. Where they are include the full phrase is included in the first instance. Therefore it is not felt that there is a need for a glossary.</p> <p>With regards to planning advice for developers it was felt that such a document would sit better with other planning documents rather than appended to the Resource and Waste Management Strategy.</p>
4.	That a detailed written response be provided to the Board on the breakdown of the £500k savings for 2021/2022 from SWISCo identified within the budget consultation proposals.	A written response was provided to the Members of the Overview and Scrutiny Board as part of the Priorities and Resources Review on the 4 November 2020.
5.	To request officers to liaise with the five major waste producers in Torbay to see if they can work together to help reduce waste and increase recycling.	The strategy has been updated to ensure that we are encouraging businesses to operate at the highest level of the waste hierarchy. This will be included as part of our wider work programme to maximise our influence, locally, regionally and nationally,



# Consultation Feedback - Draft Resource and Waste Management Strategy

November 2020

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This document can be made available in other languages and formats.  
For more information please contact [consultation@torbay.gov.uk](mailto:consultation@torbay.gov.uk)

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## Contents

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<b>Executive Summary .....</b>	<b>3</b>
Overall Response .....	3
Feedback Themes .....	3
<b>Introduction .....</b>	<b>5</b>
Background .....	5
The Survey .....	5
The Report .....	5
<b>Consultation Responses .....</b>	<b>6</b>
Agreement or Disagreement with the Proposals .....	6
Text Responses to the Questionnaire .....	9
Themes within email correspondence .....	15
Social Media Evaluation .....	17
<b>Appendix 1 – Examples of comments for each theme .....</b>	<b>20</b>
General rejection of the 3-week collection cycle.....	20
Fly Tipping.....	21
Fix current poor collection service first .....	21
Wider range of things that can be recycled .....	23
Bigger bins will be needed.....	23

Just a way to save money or cost cutting .....	24
More education needed .....	25
Make it free to use the recycling centre .....	25
Expand collection of green waste .....	26
Have electric or hydrogen powered refuse vehicles .....	27
Rats, Vermin & Seagulls.....	27
Simpler instructions on recycling .....	28
Selling on of used goods .....	29
Stop kerbside sorting.....	30
Solar compactor bins.....	31
<b>Appendix 2 - Respondent Demographics.....</b>	<b>32</b>

# Executive Summary

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Torbay Council's draft Resource and Waste Management Strategy was published for consultation on 28 September 2020. The consultation period ran until 9 November 2020.

The consultation sought to determine whether respondents agreed or disagreed with the essential elements of the Strategy. The survey, which was run solely online, provided the opportunity for respondents to explain their reasons for disagreement and how each area could be improved upon.

818 online surveys were received with a total of 1205 pieces of additional explanatory text. In addition, 58 emailed responses were received during the period of the consultation, with a further 4 additional responses, by email and letter, received after the closing date.

The consultation survey was promoted via the Council's social media channels and responses to those posts were also collated and have been included with the analysis in this report.

## Overall Response

The table below shows the high level responses to the consultation:

Question	Yes	No
Do you believe that this Strategy shows Torbay Council's commitment to addressing the Climate Emergency?	<b>428</b>	368
Do you think that Torbay Council draft Waste and Resources Strategy aligns with the Government's strategy?	<b>316</b>	208
Do you think we have identified the right priorities, actions and proposals?	362	<b>437</b>
Are the right areas of focus included under each priority?	<b>416</b>	356
Do you agree that increased education, engagement and communication should be our first action?	<b>668</b>	138
Do you think that this Strategy will help to significantly improve Torbay's Carbon Impact?	369	<b>428</b>

## Feedback Themes

With regard to the themes raised in the survey, the highest three individual themes mentioned by respondents, with over a hundred respondents mentioning each of them, were:

- A general rejection of the proposed three week collection cycle (231)
- An expected increase in fly tipping (139)

- The current collection system should be fixed first because of the numbers of missed collections and litter left behind on the streets (109)

The themes with the next highest number of mentions were:

- There should be a wider range of things that can be recycled (88)
- Bigger bins would be needed to cope with a three week cycle (81)
- The draft proposals were seen as simply a way to save money or cost cutting (77)
- More education being needed (67)

Often linked to the issue of fly tipping (but with only 50 mentions) were the restrictions on the number of visits currently allowed to the Household Waste and Recycling Centre (HWRC) and the impending charges for certain kinds of waste at the HWRC.

From the email correspondence that was received, the top five themes were:

- There should be a wider range of things that can be recycled (13)
- The current collection system should be fixed first because of the numbers of missed collections and litter left behind on the streets (11)
- Expand collection of green waste (10)
- Bigger bins would be needed to cope with a three week cycle (9)
- A general rejection of the proposed three week collection cycle (7)

# Introduction

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## Background

Torbay Council's previous waste strategy covered the period 2008 to 2025, but the sector is fast moving and a refresh was deemed long overdue.

In 2019, Torbay Council declared a Climate Emergency and, as of 28 August 2020, around 230 other councils had also declared a climate emergency.

Torbay Council is committed to tackling the Climate Emergency and has outlined a series of options to make positive changes in the Draft Resource and Waste Management Strategy 2020. This outlines the overarching objective to manage municipal waste within Torbay in accordance with the waste hierarchy as well as our principles, aims and actions in delivering the Strategy.

To obtain feedback from the community of Torbay, an online survey was set up that asked for responses on the essential elements of the Strategy. Rather than merely selecting Agreement or Disagreement, the opportunity was provided to respondents, via a free text box, to explain their reasons for disagreement (if they disagreed), and how each area could be improved upon.

## The Survey

The online survey was publicised on the Council's Consultation web page and through social media and was open between 28 September and 9 November 2020.

Altogether, during that period, the Council received 818 responses directly to the online survey within which were 1,205 items of text regarding the proposals. An additional 58 responses were received as emails or letters.

Following the end of the consultation period, four extra responses were received.

## The Report

Given the responses received comprised two very different types of data (both direct Yes/No answers and complex free text), the results have been divided into separate sections.

The first section of the report gives the numerical responses to the questions and the second section of the report gives breakdowns of the themes that the free text response fall into, as well as the suggestions from respondents for specific changes to the draft Strategy.

# Consultation Responses

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## Agreement or Disagreement with the Proposals

The table on the following pages shows the numerical responses to the questions which were part of the consultation. While 818 completed online surveys were sent in, not all of the respondents gave answers to all of the questions. For completeness the number of text responses for each proposal is also given.

Over half of the respondents believed that the draft Strategy shows Torbay Council's commitment to addressing the Climate Emergency, with a slight majority agreeing that the Council's draft Strategy aligns with the Government's strategy. Only 45% thought that the Strategy will help to significantly improve Torbay's carbon impact.

However, over half of the respondents also felt that we had not identified the right priorities, actions or proposals although half of respondents did believe that the right areas of focus were included under the priorities.

More than 80% of respondents agreed that increased education, engagement and communication should be our first action.

No.	Question	Yes	%	No	%	Don't Know/Blank	%	Total Text Responses
1	Do you believe that this Strategy shows Torbay Council's commitment to addressing the Climate Emergency?	428	52.3%	368	45.0%	22	2.7%	
1a	If you just answered No in relation to resources and waste, what further actions would you wish to see within this Strategy to address the Climate Emergency?							285
2	Do you think that Torbay Council draft Waste and Resources Strategy aligns with the Government's strategy?	316	38.6%	208	25.4%	294	36.0%	
2a	If you just answered No, please tell us what else should be included in the Strategy or what should be removed.							136
3	Do you think we have identified the right priorities, actions and proposals?	362	44.3%	437	53.4%	19	2.3%	
3a	If you just answered No, please tell us what other priorities, actions and proposals should be included in the Strategy or what priorities, actions and proposals should be removed.							301
4	Are the right areas of focus included under each priority?	416	50.9%	356	43.5%	46	5.6%	
4a	If you just answered No, please tell us how you think the areas of focus should be changed.							153

5	Do you agree that increased education, engagement and communication should be our first action?	668	81.7%	138	16.9%	12	1.5%
5a	If you just answered No, please tell us what other actions should come first?						85
6	Do you think that this Strategy will help to significantly improve Torbay's Carbon Impact?	369	45.1%	428	52.3%	21	2.6%
6a	If you just answered No, please tell us what further actions will significantly improve Torbay's Carbon Impact?						245
<b>Total Responses</b>		<b>2559</b>		<b>1935</b>			<b>1205</b>



## Text Responses to the Questionnaire

Whilst an opportunity was provided against each question for respondents to tell us how we should change the draft Strategy, across the responses there were 15 major themes which repeated.

The table on the following page shows the number of responses within each theme against each question where further information was requested. This provides an overall picture of the prevalence of each of the fifteen themes across the full range of proposals.

The highest three individual themes mentioned by respondents, with over a hundred respondents mentioning each of them, were:

- A general rejection of the proposed three week collection cycle (231);
- An expected increase in fly tipping (139);
- The current collection system should be fixed first because of the numbers of missed collections and litter left behind on the streets (109);

With between sixty and eighty mentions, the themes with the next highest number of mentions were:

- There should be a wider range of things that can be recycled (88);
- Bigger bins would be needed to cope with a three week cycle (81);
- The draft proposals were seen as simply a way to save money or cost cutting (77);
- More education being needed (67);

Often linked to the issue of fly tipping were the restrictions on the number of visits currently allowed to the Household Waste and Recycling Centre (HWRC) and the impending charges for certain kinds of waste such as would come from DIY home improvements at the HWRC (50).

With between twenty and forty-nine mentions each were:

- A strong level of agreement with the expansion of green waste collection (49);
- Suggestions to have less polluting refuse collection vehicles with hydrogen or electric power noted (31);
- Views that the extended collection cycle would mean that rats, vermin and seagulls became more of a problem because waste was outside for longer (29);
- Simpler instructions for recycling (26)

The lowest three themes, with between six and nineteen mentions were:

- To have places (like the one in Newton Abbot) for the on-selling of used goods (19);
- It might be better to centralise the sorting of waste rather than doing it at the kerbside (17);
- Solar powered compactor bins could be used on the streets and at the beaches to reduce the volume, if not the weight, of waste disposed of in them (6).

Question	Rejection of 3 week collection cycle	Bigger bins needed	Expand collection of green waste	More education needed	Wider range of recycled	Simpler recycling instructions	Stop kerbside sorting	Cost cutting exercise	Free use of HWRC	Fix current collection service	Electric powered refuse vehicles	Solar compactor bins	Fly Tipping	Rats, Vermin & Seagulls	Selling on of used goods
What further actions would you wish to see within this Strategy to address the Climate Emergency?	46	25	14	21	25	9	8	30	20	34	13	2	39	8	7
What else should be included in the Strategy or what should be removed?	34	5	7	3	9	3	1	10	12	6	0	0	28	5	3
What other priorities, actions and proposals should be included or which should be removed?	97	27	13	13	14	4	4	11	10	21	2	2	35	7	2
How do you think the areas of focus should be changed?	24	8	7	5	18	1	0	15	7	9	1	1	14	3	4
What other actions (other than increased education, engagement and communication) should come first?	9	3	3	3	2	1	0	2	0	14	0	0	1	1	0
What further actions will significantly improve Torbay's carbon impact?	21	13	5	22	20	8	4	9	1	25	15	1	22	5	3
<b>Totals</b>	<b>231</b>	<b>81</b>	<b>49</b>	<b>67</b>	<b>88</b>	<b>26</b>	<b>17</b>	<b>77</b>	<b>50</b>	<b>109</b>	<b>31</b>	<b>6</b>	<b>139</b>	<b>29</b>	<b>19</b>

The structure of the online survey only presented a free text box when respondents indicated that they disagreed with the particular proposal. However, the questions were worded to encourage feedback on what should be changed within the draft Strategy before it is put forward for ratification.

Whilst there were a significant amount of the text responses which can be taken, in general terms, as objecting to the proposals, there were a range of suggestions put forward and these are set out in the tables below.

The one clear change that respondents wished to see was the removal of three weekly collections for residual waste.

Examples of the responses received within each theme are set out in Appendix 1. The suggestions for changes to the proposals are set out below. The complete set of consultation responses have been made available to the members of the Cabinet, the Senior Leadership Team and the Waste Management Team.

### What further actions would you wish to see within this Strategy to address the Climate Emergency?

More incentive for people to recycle properly at the recycling centre, i.e. not charging for certain items as this deters people from using the centre and encourages others to fly tip, costing more money!

Further investment in the infrastructure and better bus service specially the current buses are very old and have got a very high emission level

Reduce energy wastage due to traffic congestion, by improving traffic flow and reducing hold-ups

Look at waste collection holistically including the footprint from congestion caused by roadside sorting (compared to bulk collection and sorting at base), fuel use differences, operative costs (they also have a footprint)

Solar farms, hybrid electric/solar powered street lights

Electric vehicles. Green collection.

Not restricting households to only 2 trips to the centre every 28 days

Sort for recyclable waste centrally rather than per property - that is the only way to maximise a response to the Climate Emergency

## What else should be included in the Strategy or what should be removed?

Re-use is higher up the waste hierarchy than recycling so we should be encouraging that and not concentrating on just the recycling

Incentivise people to do the right thing, and punish those who do the wrong thing

Actively patrol well known fly tipping areas

Tackle root cause with retailers taking non-recyclable packaging out of the system in the first place

Recycling/waste disposal must be simple or people just won't comply

We need more focus on reducing food-miles by encouraging local businesses

Open the recycling centre longer so people can actually go when they are most likely to be able to attend which will reduce fly tipping

it will be extremely difficult to assess progress against these very high level objectives

## Please tell us what other priorities, actions and proposals should be included in the Strategy or what priorities, actions and proposals should be removed.

The top priority should be clear, unambiguous communication about what can be recycled through kerbside collection and where to go with materials that can be recycled, but not through our kerbside collection

Review the whole process, right from the start of the process as this is where it environmentally fails and then communicate with the more successful councils within the UK to see how they introduced good successful platforms and efficient working practices to target higher recycling levels and improve the environment

Street cleaning, council operatives being responsible for specific areas and involved with the community in those areas, thereby creating a sense of pride for those living in the area

A two weekly garden waste collection, which would be an opt in where we buy a dumpy bag from you and pay a low fee for said collection

Work with Planning / Building Control to ensure all new builds or conversions in Torbay have sufficient designed space inside and out to store recycling boxes and make it easy for them to be put out for collection

More communal recycling facilities, which would be especially useful for those of us who have small properties and nowhere to store endless boxes and caddies. These need to be accessible

to all, emptied frequently, and as numerous as you can make them, especially for those without cars to drive to these places

Use energy efficient vehicle to collect ALL RUBBISH and negate the need for thousands of private vehicles to take refuse to the tip OR illegal dumping. The current & existing system affects the environment far more

Address why people aren't recycling

Concentrate on the councils fleet of diesel vehicles

The focus should be on delivering the current service effectively before seeking to change it

### **Please tell us how you think the areas of focus should be changed.**

Firstly you need to have proper local consultations to find out what matters to each area in Torbay

Focus should change to public health and wellbeing which in turn will be of benefit to the environment

More proactive and creative work should be undertaken as part of the planning and building control process to enable the appropriate storage and disposal of waste

Should increase recycling opportunities for items which can be recycled but are not currently included

Consideration of upcycling or sale of some items, similar to Newton Abbot

No mention of Recycling Banks around the Bay. No provision currently for plastic waste or non-newspaper/magazine paper - although Breakwater says it does (It doesn't). Going to Recycling Centre is fine, yet often it is quicker/more convenient to go to local Recycling Bank rather than joining a long queue (difficult if no own transport). Surely this will help increase our % recycling - the claimed prime reason for this Strategy

Target areas in Torbay that are often used for fly tipping, and maybe develop these areas into something that might discourage fly tipping, such as clearing overgrown areas

Focus on facilitating waste disposal

We should have the recycling machines for bottles and tins that Germany has. A deposit is charged on each bottle or tin that is returned when you return your empties. This would be more effective as it would make more sense

To make sure that all new housing developments have proper designated recycling areas

**What other actions (other than increased education, engagement and communication) should come first?**

A fully focused overhaul of the whole recycling process

Focus on getting the service to the correct level ... number one should always be the service itself

Confidence in the collection and recycling regime should come first, getting the service in order before implying that the Public are not doing their bit

Providing an efficient and cost-effective refuse collection service

Cost savings could be made by rationalising collection routes throughout the Council area

A bay wide public engagement project like 'Torbay - The No Plastics Coast' would have a far bigger impact; it would reduce litter (items made of natural materials will decompose before they become a problem) and would also connect people and communities with an 'all hands to the pump' mind-set

Optimise the benefits of the waste treatment plant in Plymouth which effectively uses the waste treated to generate energy, power and recycling of materials

**What further actions will significantly improve Torbay's Carbon Impact?**

A sensible approach starting with a round table discussion with residents

Collaborating with TDA, SDC & NHS Trust to develop local procurement, including locally grown and processed food

Needs to be combined with other initiatives around sustainable transport, energy reduction etc.

Ensuring that ALL policies give priority to reducing both the carbon footprint and ecology

Actively promoting solar power generation on public sector, commercial, and domestic properties

The collection process needs to be completely overhauled, as it is exceedingly slow and adding carbon to the environment and litter to the streets

New refuse, recycling and street sweeping vehicles, particularly with a significant switch to electric vehicles. Incentivise staff to be invested in their jobs to produce more productivity

More pedestrian zones. Park and ride facilities

No water refill fountains anywhere

You have to incentivise people to recycle more

## Themes within email correspondence

Before the closing date, a total of fifty-eight individual emails were received in relation to the consultation. An additional response proffered suggestions on how the survey itself could be improved by reference to one conducted previously by the Health and Safety Executive.

One of the fifty-eight respondents, as well as setting out his own views, provided two web-links that are set out below and which refer to the manner in which there are financial rewards for the recycling of bottles and cans or other beverage containers in Finland. He has suggested that it is an option worth future consideration to help reduce or avoid the numbers of bottles and cans that are simply thrown away without being recycled for either the glass or aluminium content. The Finnish strategy is dual pronged and has the potential to both reduce litter and upgrade the amount of recycling which is done.

<https://finland.fi/life-society/finnish-families-get-to-grips-with-trash/#:~:text=Finland%2C%20a%20leader%20in%20bottle,household%20waste%20sent%20to%20landfills.&text=The%20return%20rate%20for%20refillable,96%20percent%20and%2094%20per cent.>

<https://www.palpa.fi/beverage-container-recycling/deposit-refund-system/>

As with the text responses that formed an integral part of the answers to the online survey, each email response was examined to sift out the key points that were being put forward. Initially this used the fifteen themes identified from the online material. This number was extended to thirty-five as more were found within the material.

The themes, and the number of mentions of each, are primarily arranged in rank order. However, where the number of mentions is the same for a number of themes, they are further sorted alphabetically by the descriptive title assigned to them.

Of the themes described above only thirteen attracted more than two mentions and only one covered an area not previously brought up in the on line responses. This theme was of consulting with the packaging industry with a view to reducing the volume of materials used, and especially, those that could not be recycled.

The table below demonstrates that the emailed responses showed a change in emphasis compared with those from the online survey. The general rejection, in principle, to a three-week collection cycle had dropped from first to fifth place while the perceived need to first fix the existing collection system had risen from third to second place on the list. Another marked difference was the changed perception of the draft proposals as “just a way to save money or cost cutting”. The emailed responses placed this in the thirteenth position instead of the sixth position given to it by those answering the online survey.

Theme	Number of mentions
There should be a wider range of things that can be recycled	13
Fix current poor collection service first - missed collections and litter	11
Expand collection of green waste	10
Bigger bins will be needed	9
General rejection of 3 week collection cycle	7
Make it free to use the recycling centre	6
Selling on of used goods	6
Rats, Vermin & Seagulls	5
Simpler instructions on recycling	5
Stop kerbside sorting	5
Consult packaging industry on reducing packing	4
Fly Tipping	4
Just a way to save money or cost cutting	3
Better recycling of bottles to manufacturers	2
Bigger & more accessible recycling centre - sort there centrally	2
Expand ban on allotment bonfires	2
If there was to be a sudden increase in amounts of recycling etc. current service will not be able to cope	2
More education needed	2
Public recycling bins	2
Put a levy on dog walking services / dog waste	2
Reduction, reuse and recycling and should be part of any publicity campaign	2
Brown Wheelie bins for garden & food waste	1



Commercial site has collection contract with SWISCO & hopes charges will not increase	1
Community service to include litter collection - streets & beaches	1
Coordinate street sweeping with waste collection days	1
Drop the cost saving aspect	1
Free bags for food waste	1
Identify bins with Street and number stickers	1
Make recycling mandatory	1
Money back for recycling cans and bottles	1
On-Street recycling bins	1
Provide can crushers	1
Restrict use of "Grey" bins	1
Solar compactor bins	1
Have electric or hydrogen powered refuse vehicles	0

Again, all copies of the emails have been made available to the members of the Cabinet, the Senior Leadership Team and the Waste Management Team. This includes the additional four responses which were received after the closing date.

## Social Media Evaluation

The Communications Team have evaluated various aspects of the reception of the proposals on different social media platforms and these results are summarised in this section.

From 2 October to 6 November 2020, the draft Resources and Waste Management Strategy consultation was featured in the **One Torbay** residents' e-newsletter six times and a total of 333 of the 7,000 subscribers clicked through to the consultation webpage.

The consultation was also featured in Torbay Council's **Staff News** several times from 30 September onwards and in total 35 people clicked through to the consultation webpage.

There was far more engagement on Facebook than on other social media channels which demonstrates once again this is the preferred channel of information for a lot of our residents.

Throughout the consultation period on **Torbay Council's Facebook** page (28 September - 9 November), across 15 posts, there was a total reach of 33,579, with 341 comments, 69 shares, 92

likes, and 3299 engagements. Torbay Council's Facebook page currently has 8,920 likes and 9,719 followers.

By contrast, on **Torbay Council's Twitter** account, there was far lower engagement, with 17 retweets, 207 engagements and 917 impressions, with no questions. There are 12,300 Twitter followers for Torbay Council but there is clearly less engagement from them than the Facebook followers.

The themes in the comments were as follows:

Theme	Number of comments	Positive, Negative or Neutral
Sort rubbish at the yard not kerbside	2	Neutral
Welcome plans for kerbside garden waste collections	7	Positive
Concerns of increase in fly tipping	2	Negative
Against 3 weekly collections / concerns of smelly bins	13	Negative
Larger recycling bins needed	4	Neutral
Better education needed: What is recyclable, increase interest in recycling, inform people to flatten boxes etc.	8	Neutral
Provide new stickers now and again for the boxes as a reminder of what goes in which box as they come off and get lost	1	Neutral
Better town centre bins: general waste / cans / plastic bottles sections	7	Neutral
Fine those who do not recycle	2	Neutral
Complaints that operatives do not take everything, despite being recyclable. Operatives witnessed throwing all rubbish in together and not sorting. Operatives do not pick up what they drop	13	Negative
Add tetra packing / crisp packets to the list of recyclable products	3	Neutral
Better policing of communal bins at blocks of flats	1	Neutral
Reintroduce the Torbay Green Points Incentive Scheme	1	Neutral
Bring back green wheelie bins and get rid of the boxes	6	Neutral

Introduce South Hams system. Or look at Sandwell & Rochdale council for good examples	4	Neutral
Communal recycling bottle banks not emptied enough	1	Negative
Against charging for DIY waste	2	Negative
Box & net not good enough in wind and keeping seagulls out	1	Neutral

There was a total reach of 3032 on the **SWISCo Facebook** page with 8 likes, 6 shares and 13 comments. Though it should be noted that the SWISCo Facebook page is much newer than Torbay Council's (launched in July 2020) and has 1,056 likes and 1,114 followers. There were no retweets from the **SWISCo Twitter** account but it was only launched in July 2020 and currently only has 90 followers.

The themes in the comments were as follows:

Theme	Number of comments	Positive, Negative or Neutral
Potential increase in fly Tipping	2	Neutral
Approval/asking for a kerbside green waste collection	3	Positive
Re opening Lymington Road and Brixham college green waste	1	Neutral
Bins will start to smell with 3 weekly collections	1	Negative
Collection method needs changing	1	Negative
More than 2 trips need to the tip per month	1	Neutral
Larger recycling bins needed	1	Negative
Current recycling needs sorting/collecting first	1	Negative
Against the idea of 3 weekly waste collections	1	Negative
No room for extra waste after 2 weeks – large family/disabled residents	1	Negative

## Appendix 1 – Examples of comments for each theme

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The extracts have been edited in respect of spelling and, where necessary, to delete any personal information.

### General rejection of the 3-week collection cycle

<p>“NO. NO 3 weekly bin collection however you dress it up.”</p>
<p>“Even though this is important, I don't wish to see 3 weekly collections increasing the rubbish that will be stashed in black sacks all over Torbay in order to reduce the carbon footprint! People choosing not to recycle now will not start doing so just like that, but the streets will be covered in rubbish and won't that affect the tourist trade? NOT AT ANY PRICE!”</p>
<p>“The impact of not having a non-recycle collection every three weeks will cause major issues in my household with five adults. The recycle bins are too small and ever since we moved away from the big green bind there has been an increase on waste being spilled into the environment.”</p>
<p>“I cannot recycle any more than I already do. We are a household of only 2 and would not cope with reduced bin collection. Larger households will struggle which will lead to fly tipping and over flowing bins which will attract vermin and gulls”</p>
<p>“bin collections more frequent definitely not less”</p>
<p>“Non recyclables collected on a 3 weekly rota. For 3 years my late mother had carers attend her twice daily to attend to her stoma (colostomy bag). As there is no provision for a clinical collection from private residences the emptied bags and other contaminated clinical waste had to go into the bin. Even in the winter by the end of the second week the bin was extremely unpleasant. In the summer the bin was constantly covered in flies and crawling with maggots. Luckily, she had me to clean and disinfect the bin after each collection. What the bin would have been like after 3 weeks does not bear thinking about. I would imagine parents disposing of nappies would have the same problem. The Council needs to think at the micro level by serving and caring for its residents before thinking at the macro level to reduce carbon emissions (and save money). I would suggest that if the Council insists on bringing in the 3 week rota it also introduces a medical collection weekly for those with conditions that require a stoma and for parents of young babies.”</p>
<p>“Three weekly residual waste collections are unsustainable on a health and hygiene basis for young families with nappies and an increasingly aging population with incontinence pads.”</p>

## Fly Tipping

“Action 3: any money saved will be far outweighed by the cost of clearing the increased amount of fly tipping if householders are charged for DIY rubbish they take to the tip.”

“Not charging at the tip for bringing rubbish would also encourage people. If you charge it just encourages people to fly tip because they can't afford it.”

“...if there are less collections there is likely to be more fly tipping which is bad for the environment and uses more energy to remedy!”

“Widening the range of items people will no longer be able to take to the recycling centres has already been proven, across the country, to increase fly tipping which is extremely bad for the environment - leaching out chemicals and toxins and harming wildlife.”

“You are making it harder for people to dispose of rubbish for free so fly tipping will increase even more”

“Collecting waste less regularly will create an environment which encourages fly tipping. It would also be less hygienic with overflowing bins and odours/litter. Any trial should be carried out during the summer... When heat creates more smells and it's also a time when tourists, seagulls and their young are most active. A trial in February would NOT produce reliable results of the impact.”

“Fly tipping is a disgrace around the bay make it easier for people to get rid of their waste free of charge we pay enough in council tax”

## Fix current poor collection service first

“...No. Please fix the very poor collection of kerbside recycling first. Even before lockdown our recycling bins were rarely emptied weekly. Currently our food waste bin has not been emptied for over 3 weeks.”

“Actually collect bins when supposed to be collected. Then people wouldn't have to use their non-recycling bins for things that cannot and won't go in the recycle boxes.”

“Better recycling system. The boxes blow around and get broken easily, mine were broken before I even got them! Plus the contents often ends up all over the place, the bin men drop stuff and don't pick it up again, and because they stop right outside my house, most of it ends up in my front garden. Also having to have separate bins in a small kitchen to sort the different recyclables isn't practical for many. I could easily have a wheelie bin here that I can use as and when I need it and not have to worry about keeping rubbish inside to stop it ending up everywhere. The nets are all well and good, but it can get so windy here the whole box will go sliding off. Having the bin men sort the rubbish at the truck is also stupid, they end up sitting

outside my house with the engine running, clattering and yelling at each other, sometimes quite early in the morning, where the normal collection is dump it in the truck and go. Its added cost and takes them far longer than is really needed, we have the tech now to sort rubbish without the need for putting people at risk or injury, so why not use it? It would be more use friendly for everyone as the bin men won't have loads of boxes to carry but one bin they can wheel."

"How about you actually collect our waste! Two weeks now with no collection or date to collect it."

"Make sure the recycling rubbish is collected when it is supposed to be and not left for two weeks at a time for the seagulls to drag it all over the place"

"The collection service is so poor and unreliable, has been for years. Kerbside sorting doesn't work and the bay is full of rubbish mainly due to the inadequate boxes. The operatives are often rude, never pick up what they drop and so much rubbish blows out of the boxes, it has to be left out and you never know when they are actually going to turn up to collect it. It's the worst it's ever been."

"The waste collection process in Torbay is far from efficient and environmentally friendly right from the start. Roadside sortation is a slow process, time and motion inefficient, using unnecessary man power, it is hazardous, it blocks vehicular access on roads, pollutes our streets with fumes of a running stationary vehicle, leaves our streets on collection day, littered with rubbish, where collectors fail to pick up their dropped mess. We have broken glass left, cardboard, plastic blowing down the street. My wife and I constantly have to put our street back to a clean environmental state every time the recycle team visit our street. The domestic recycle bins are too small to encourage an uplift to recycling. The recycle team seem to choose what they want to take even if items are clearly recyclable, which then encourages residents to put the uncollected recyclable item in the main waste bin, to clear the rubbish situation. The waste for recycling should all be in one large wheelie bin, like the general waste bin, the waste should then be delivered to a suitable on site sortation plant, sorted and distributed to the appropriate recycling plant. If this is not possible, Torbay Council has failed at the first hurdle, operating an inefficient non-environmentally friendly service. Street sortation is not only pre historic it is damaging to the environment in so many ways. I could go on about this for hours, but I think the point has been made. To close, I know the system mentioned works as I have lived where it operates, resulting in the large general waste wheelie bin going from full on each collection day to a third full and the same size recycle wheelie bin, being full on every collection day, a vast upturn in recycling achieved just by doing simple things correctly."

## Wider range of things that can be recycled

“You need to educate your employees as to what can be recycled, you also need to look at the facts as you don't recycle half of what the industry says can be. This means you are the irresponsible party holding the public back on this issue.”

“include more items we are able to recycle”

“Giving proper instructions on what plastic can be recycled in the household boxes also all refuse staff giving proper training as each week different plastic is left in the boxes as not recyclable.”

“Larger amounts of plastic waste to be recycled such as carrier bags , plastic film , guidance on how to deal with plastic packaging from toys ... Collection of scrap metal”

“Still not enough availability for what we can put in our recycling bins , so much you cannot put in especially plastics, our recycling centres do not have the capability to sort this so there is so much that gets thrown away or gets sent to a sub-contractor to deal with which costs the council money”

“More effort put into collecting materials that are well known to be recyclable but that are refused at kerbside collections, for example paper, black plastics and solid metal items.”

“The issues that most need attention are - recycling of plastics and sources of micro-plastics and disposal of batteries.”

## Bigger bins will be needed

“The recycle bins are too small and ever since we moved away from the big green bind there has been an increase on waste being spilled into the environment.”

“My bin after 2 weeks is saturated. How am I supposed to hold it for 3 weeks? If you do 3 weeks, like always it will be delayed or something and we will end having the bins collected every 4 weeks. I really don't think this is for the climate emergency, this is because Torbay is unable to pick the bins on time. You are always struggling. As today my bin has not been collected for 6 days. ”

“Larger bins to hold recycling. I often have to burn cardboard and paper as there is insufficient space in the current bins provided.”

“The provision of larger recycling bins. Do NOT implement a 3-week collection for household rubbish. We have seen the total chaos caused by the waste disposal team having to isolate due to Covid-19. We had a huge increase in council tax last year. This has to stop.”

“There should be bigger recycling bins mine are always full to the brim weekly.”

“Torbay needs to supply bigger recycling boxes or more of them. More and more people are shopping online and have more waste to recycle.”

“Increase the size of the dry recycling 55 litre boxes, or add a third. Possibly may discourage residents putting their surplus in the 240 litre wheeled bin.”

## Just a way to save money or cost cutting

“Disingenuous question - this is more about saving money than tackling climate change”

“How people bin their waste won't change as we on the whole already recycle as much as possible, this is quite clearly a move for Torbay Council to save money and nothing more, another service to drive down whilst Council Tax goes up. When the change fails and litter becomes an issue I have no doubt that the customers will be blamed and that under no circumstances will fortnightly collections resume. “

“I believe it will help but I also believe the line that it saves the council money is the main priority and not climate change”

“There is no Climate Emergency, this is a biased question. I would not like to see the actions taken in the proposal. I do not believe moving to 3 weekly residual waste will improve matters for the environment. This is all about saving money, presented as environmentally good, when it is not.”

“This is not about saving resources this is about saving money the council pays it's management far too much and should be saving money there not by cutting services this will lead to more rats and more waste in the streets it is absolutely a disgrace the councillors should be ashamed of themselves”

“This is simply another cost saving activity that is heavily disguised as a way to ‘increase recycling’.”

“You're hiding cost cutting exercises behind the excuse of a climate emergency. If you were serious you would pursue a more green local economy, at least be honest and say it is to save money.”



## More education needed

“Better education. There are people in Torbay who will now fly tip when their bins are full or allow seagulls to attack overflowing bins. Demand people recycle with the threat of less collections. In summer, if we have collections every three weeks the seagulls and rats will be the only winners”

“Changing bin collections won't make a difference - education and fines will.”

“Educating people from age 4 to 99. More selective bins on street for walkers and dog walkers. Creating open fridge systems like in Germany to people to be able to share their unused, vegetables, milk products etc. Encouraging companies using recyclable packages”

“It is more about education, than forcing the easy option on those citizens who do recycle (and behave in general) responsibly. Go after those that are irresponsible, rather than put more strain on the "good people"”

“Much bigger campaign encouraging and reminding people what can be recycled, including adverts and going into schools. Including Information about what happens to recycling and why we do it.”

“Provide better and more detailed guidance on what can be recycled and how. For instance, do bottles and jars have to have their caps removed? And, if so, how can these be recycled. Include more items to be recycled - e.g. all types of packaging material; small metal items.

“Education of school children should be considered and get them involved as they are the most likely to be proactive and are most malleable. Recycling projects at school. ... The document is way too complex for the man in the street and it is highly unlikely you are going to get comments from the people you are actually trying to educate or impose changes on.

## Make it free to use the recycling centre

“Make use of the tip free and fine fly-tippers thousands of pounds as a punishment for wrecking the landscape”

“Charging for disposal of “building” waste will reduce proper disposal and increase fly tipping. Fundamentally, household waste disposal and the “climate emergency” are not really connected.”

“Skips for garden waste rubble etc. would encourage most residents to recycle waste responsibly and avoid fly tipping which ruins our environment. Charging to get rid of waste encourages bad behaviour from residents who already pay high council tax bills and don't want to have to pay even more!”

"False economy, because it does NOT take into account the effect on the climate of having thousands of individual cars going back & forth to the tip ( electric / hydrogen collection vehicle far more energy efficient ) Also it ignores the human reaction to NOT BEING ABLE TO TAKE TO TIP " COST " so there will be more illegal dumping which negates any saving PLUS the ugly effect"

"I think one should be able to visit the Yalberton tip whenever necessary. The twice in 28 days rule encourages fly tipping and negates the whole idea of recycling. Moreover, it is very expensive for people to then get rid of their extra waste. However, I like the booking system which saves time."

"More incentive for people to recycle properly at the recycling centre, i.e. not charging for certain items as this deters people from using the centre and encourages others to fly tip, costing more money! Also, not restricting households to only 2 trips to the centre every 28 days, if you want to monitor businesses tipping find another way that does not penalise council tax paying residents. With the limited 2 trips it would seem that you are trying to profit from this idea by charging residents to collect the garden waste from the roadside (as you are not allowing them to go to the centre as and when necessary). If this is to be the case, a reduction on the council tax should be implemented to subsidise this necessity. No to 3 weekly bin collection as well."

"Open the tips free of charge for everyone To stop the fly tipping which will save money. You Are penalising builders who work hard And then fly tip as they are charged or aren't allowed in"

## Expand collection of green waste

"I would also like a garden waste bin collection which might help to put a stop to the needless garden bonfires that happen on a daily basis throughout Torbay. It is supposed to be the English Riviera, but shops, restaurants and hotels have to put up with the dreadful stink and the toxic fumes as well homeowners and it is not good for residents, holiday makers or the environment and should be banned."

"Collections of garden waste for free - regularly like the other waste would encourage people to recycle."

"How about a garden waste bin? Other areas have them for a small yearly fee £45"

"Charging for green waste seems a little strange as some people have bigger gardens than others. I don't know how you are going to charge; will it be for each collection or an annual fee?"

"Very happy with the idea of having a green waste collection and would happily pay extra for that."

“The garden collection service is a good idea provided that the charges are reasonable enough to encourage take-up. If your aim is really to limit garden waste going in the residual bin then the charges have to be set to achieve that. People want to do the right thing but going to the tip for a small amount of garden waste is inefficient so the easy answer is to stick it in the main bin; if you want to stop that - i.e. really want to stop it - then the garden collection should really be free but perhaps not running in the winter months. If you have to charge it has to be a low enough charge to meet the stated recycling-based objective...”

“To prevent the constant garden bonfires you need to provide free green waste collection.”

## Have electric or hydrogen powered refuse vehicles

“Electric vehicles. Green collection.”

“Firstly before placing this burden on your residents Reduce the council’s carbon foot print by replacing diesel vehicles with electric or hybrid.”

“Hydrogen vehicles are better for the environment than electric.”

“More electrification of council vehicles”

“Waste management vehicles should become zero carbon emitters.”

“Weekly collections with more efficient carbon neutral vehicles.”

“We need to actively encourage more electric-powered vehicles and charging stations. At present, we have an inordinate number of diesel-powered vehicles, and the particulates emitted from diesel engines are especially dangerous to lung tissue as they are tiny enough to damage the microscopic alveoli. This damage leads to asthma in children and respiratory diseases and disorders in adults.”

## Rats, Vermin & Seagulls

“...if there are less collections there is likely to be more fly tipping which is bad for the environment and uses more energy to remedy! Also rats and other vermin will proliferate if waste is collected less often!”

“Regular collections instead of leaving food waste etc. sitting in the streets for three or four weeks causing rats and illness”

“There will not be less waste by reducing collections there will just be more waste building up in the houses and roads. Potential implications of 3 weekly collections are pests such as rats,

seagulls will have better access to bags and the roads will be filthy from waste strewn across them.”

“There should be a two-weekly household rubbish collection as an absolute minimum both as a matter of basic health and safety and as an essential public health criterion. The risk of disease spread and vermin breeding is too obvious to require further explanation.”

“Three-weekly general waste bin collections will do nothing except to save the Council money. It will do nothing to encourage people to recycle more. It will just result in bins piled so high with bags that the lids won’t shut, thus encouraging seagulls and other animals (including rats) to get at them. I (and most others in this neighbourhood) have been meticulously recycling everything possible for many years but, however diligent; there is always a residual smell from the bags after two weeks.”

“Keeping a weekly rubbish collection there are lots of rats already and people do not use correct bags and nets and the seagulls and wind cause rubbish to be dropped all over the roads.”

“Compliance will be a major issue. Rats love accumulating refuse.”

## Simpler instructions on recycling

“More work needs to be done to simplify recycling instructions and work towards a similar recycling regime for each area.”

“Too much fully marked as to type plastic is currently non-recyclable in Torbay. If you make it simpler, more people will recycle.”

“You need to educate your employees as to what can be recycled, you also need to look at the facts as you don't recycle half of what the industry says can be.”

“Giving proper instructions on what plastic can be recycled in the household boxes also all refuse staff giving proper training as each week different plastic is left in the boxes as not recyclable. Totally confusing for the residents. Get rid of the boxes and replace with one wheelie bin for all recycled items as the time wasted by refuse staff kerb sorting is ridiculous. See how East Northamptonshire Council does it. Used to be 80% recycle household now we barely recycle 40% because of confusing instructions.”

“Better information for residents as to what can be recycled. When I lived in a bungalow in Paignton I had a bin for non-recyclable and two boxes. I could recycle the usual glass, plastic, tins, cardboard and paper but also foil, batteries, used cooking oil and printer cartridges. Now in a flat in Livermead with shared bins there is no mention of the latter items. This is very wasteful. We should have up to date lists for each bin.”

“Current strategy is complicated and only deters recycling - I'm not sure I would remember when collections will occur if you move to 3 weekly waste collections, far too difficult to keep track. Recycling/waste disposal must be simple or people just won't comply. There is no incentive to recycle if it is so difficult to be compliant and need to understand your complicated schedules and procedures. I am fed up with rejected recycling waste being thrown on my garden because your operatives don't agree what can and cannot be recycled. What is the point in me following recycling details on labels only to find you don't agree and refuse collection? We need fewer bins and weekly collections if you are really serious about recycling”

“If you want to encourage recycling, the top priority should be clear, unambiguous communication about what can be recycled through kerbside collection and where to go with materials that can be recycled, but not through our kerbside collection. Recycling suffers from lack of clarity and consistency. Some items are accepted for recycling one week and rejected the next week. A sensible strategy for a householder is to assume that items will NOT be accepted for recycling because the guidelines are not clear. Plastic recycling is typically based on the type of plastic, indicated by the number in the recycling symbol on the item. Why not use these numbers to provide clear, specific guidance? The website says that textiles and shoes can be collected through the recycling boxes, but only if they are clean and dry. There's no suggestion as to how they can be kept clean and dry when they have to be put out overnight for 6:00 a.m. collection. The website appears to be out of date on many items. The food waste bins are an awkward size; I've not found plastic bin liners that will fit them. Without plastic bin liners the bin gets filthy and smelly, requiring washing and disinfecting each week. Even then, maggots grow in the bin in warm weather. These bins become disgusting for the householder as well as the collection staff. I typically use my own compost bin in the garden because the process using the food waste bin is far too filthy. Also, most seaside places I visit have general waste bins next to one or more recycling bins - but not here. Why not? I am concerned about charging for disposal of small amounts of DIY waste. I strongly suspect that people will either bag the waste and put it in general waste or leave it piled up somewhere near their home. The piled up waste could provide a habitat for hedgehogs, but it could also provide a habitat for rats.”

## Selling on of used goods

“Have an area of items that can be reused or have a policy of donation to charities, so many items that one person declares as unwanted are wanted Or liked by someone else.”

“A way of selling on goods rather than perfectly good items going in the containers and then into landfill ( Newton Abbot have done this for years)”

“Opening seconds hand markets for the public to be able to reselling their goods. Using local communities and encourage volunteers to cleaning sections in their area.”

“Make recycling easier with improved boxes and change recycling centre to promote recycling of furniture and usable goods like in the Newton Abbot tip shop.”

“Teignbridge council recycling centre has a resale area for up cycling of saleable goods. Torbay council should do a similar scheme, sending less to landfill.”

“Reducing waste crime, waste safety and preserving stocks by making it easy to recycle kerbside and free at recycling centre where reusing 'waste' articles should be promoted by providing a facility at the recycling facility.”

“Having a recycle area like Totnes and Newton Abbot would help to re cycle lots of things. I cry when I go to dispose of things in Paignton when I see what people put in the skips. A large amount of it could be used and less going to land fill. David Attenborough claims not to waste anything.”

## Stop kerbside sorting

“It seems to me that the way the recycling is collected is very inefficient; the lorries go very slowly along the road while the people emptying the bins on foot risk life and limb in the road while sorting the stuff into different parts of the lorry. Surely it would be better to have one big wheelie bin for recycling, and have it sorted out in a warehouse later. That way the lorries could get round faster, using less fuel, and probably you would need fewer lorries. Obviously this is more of a long term thing because you have your fleet already.”

“Look at waste collection holistically including the footprint from congestion caused by roadside sorting (compared to bulk collection and sorting at base), fuel use differences, operative costs (they also have a footprint) more recycling from residents seeing it as easier to recycle.”

“Sort for recyclable waste centrally rather than per property - that is the only way to maximise a response to the Climate Emergency.”

“Stop sorting recycle Material at the roadside! The lorries keep their engines running all day long and they hold up traffic longer than necessary. Answer: have recycle bins for recycling material. Pick it up take it back to base to sort preferably by people on community service.”

“The focus should be sorting waste at depot as is done in most successful councils.”

“Stop kerbside sorting, it is a waste of time and causes litter.”

“The current kerbside collection process, generates large amounts of vehicle carbon emissions with constant 'stop / starting', other authorities introduce operate slicker operations to collect recycling products.”

## Solar compactor bins

“Solar compactor bins need less emptying and rubbish not on streets. Council to lead by example and not expect householders to do things but not them.”

“If the Council is really serious about its carbon footprint then it should introduce Solar Powered Bins all around the Bay. These are proven to be effective worldwide. After the initial investment the reduction in collections from these bins will reduce emissions by collection vehicles.”

“Greater use of Solar powered waste bins across the Bay. More waste collected, less prone to seagulls and therefore the streets are kept free of litter caused by scavenging.”

“We have no Solar Powered Bins. These are being used to reduce the carbon footprint in many of Britain's towns.”

“As part of the review of its Waste Strategy it should introduce Solar Powered Bins around the Bay. These bins have been successfully introduced in many parts of the UK and around the world but not yet here in Torbay.”

“If Solar Powered Bins were to be added my answer would become yes.” (Q6)

## Appendix 2 - Respondent Demographics

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Which of the following best describes how you think of yourself?

Gender	Number of responses	Percentage of responses
Female	363	44.4%
Male	397	48.5%
Other	9	1.1%
Prefer not to say	30	3.7%
Blank	19	2.3%

Which of the following age groups applies to you?

Age Band	Number of responses	Percentage of responses
0 to 14	2	0.2%
15 to 24	8	1.0%
25 to 34	42	5.1%
35 to 44	106	13.0%
45 to 54	138	16.9%
55 to 64	206	25.2%
64 to 75	224	27.4%
75 plus	75	9.2%
Blank	17	2.1%

Do you consider yourself to be disabled in any way?

Disability	Number of responses	Percentage of responses
Yes	132	16.1%
No	658	80.4%
Blank	28	3.4%



## Effect of Disability

Effect of disability	Number of (positive) responses	Percentage of responses
It affects my mobility	86	65.2%
It affects my vision	15	11.4%
It affects my hearing	26	19.7%
It affects me in another way	44	33.3%

## How would you describe your ethnic origin?

Ethnicity	Number of responses	Percentage of responses
White	746	91.2%
Mixed ethnicity	12	1.5%
Asian or Asian British	6	0.7%
Black or Black British	6	0.7%
Chinese	1	0.1%
Other	27	3.3%
Blank	20	2.4%

# Response to Consultation - Resource and Waste Management Strategy

February 2021

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For more information please contact [hrpolicy@torbay.gov.uk](mailto:hrpolicy@torbay.gov.uk)

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## Contents

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<b>How to use this template</b> .....	<b>2</b>
Creating a new document.....	<b>Error! Bookmark not defined.</b>
<b>Heading 1</b> .....	<b>2</b>
Heading 2.....	<b>Error! Bookmark not defined.</b>
Heading 3.....	<b>Error! Bookmark not defined.</b>
How to import text from another document.....	<b>Error! Bookmark not defined.</b>

# Background

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Torbay Council's draft Resource and Waste Management Strategy was published for consultation on 28 September 2020. The consultation period ran until 9 November 2020.

The consultation sought to determine whether respondents agreed or disagreed with the essential elements of the Strategy. The survey, which was run solely online, provided the opportunity for respondents to explain their reasons for disagreement and how each area could be improved upon.

818 online surveys were received with a total of 1205 pieces of additional explanatory text. In addition, 58 emailed responses were received during the period of the consultation, with a further 4 additional responses, by email and letter, received after the closing date.

We appreciate the time that so many residents took to read the draft Strategy and to give their feedback.

This report sets out the Cabinet's response to the consultation, providing an overview of the changes made to each section of the Strategy as well as how other responses received will be taken forward.

## Introduction

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Within the Introduction we have highlighted our overall aim of increasing the recycling rate in Torbay as well as describing in more detail the work that has already taken place to improve how we deal with recycling and waste.

The links between the Resource and Waste Management Strategy and the Energy and Climate Change Strategy have been strengthened and we recognise that more work needs to be done, collectively, to address the Climate Emergency.

Respondents made reference to the emissions from our recycling vehicles. Our new recycling vehicles have the most efficient up-to-date diesel engines. At this stage electric powered options for large waste and street cleansing vehicles are still very much in development stage. The current battery technology would not power them for a whole days use, so additional vehicles would be needed which very much defeats the object.

Many respondents suggested that we need to make sure the current arrangements for the collection of recycling and waste work as they should do before making changes to the service. With the creation of SWISCo in **June/July 2020**, we are committed to ensuring that the best possible services are delivered within Torbay and we are putting in place improvement plans to ensure that this happens.

## The Local Context

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A number of respondents expressed the need for there to be clear information about what can and cannot be recycled, and to encourage more recycling.

Education and engagement is a critical part of our Strategy and we have strengthened this section to recognise that we need to work in partnership. We will ensure that a range of methods and communication means are used to reach as many in the community as possible, including our schools and businesses.

## The Regional Context

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Whilst there has been little change to this section, Torbay Council has reviewed best practice elsewhere, both locally and around the UK. We have looked at waste collection holistically and this is the reason that we have employed the current system.

We have followed advice from the Department for the Environment, Fisheries and Rural Affairs (DEFRA), WRAP, LARAC and other waste industry leads to help and advise on how to best improve our recycling rate. Their advice has been taken on board in preparing the Resource and Waste Management Strategy.

Torbay's methodology of kerbside sorting of recycling is seen as one of the most effective models. It not only recovers high levels of recyclate, but means that the recyclate is of good clean quality that will be accepted by the recycling markets. This means we are able to adhere to tighter central government targets.

## The National Context

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We have expanded the explanation of the Government's consultation on extended producer responsibility for packaging as many respondents suggested that the Council should be encouraging businesses to include less packaging on products. The Extended Producer Responsibility will address improving what packaging materials are used, as ultimately producers will have to pay local authorities to dispose of the waste they have generated.

We will, however, continue to work with our local business community to help move our collective behaviours higher up the Waste Hierarchy and we will make our views known to the Government through responding to their consultations and continuing to have close relationships with our MPs.

## Objectives, Principles and Aims

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We have provided a further explanation of our Objective of managing waste in accordance with the Waste Hierarchy. We will be as clear as we can with our community that we want to prevent waste from being produced in the first place, then enable the reuse of products and improving how much we recycle.

We will recover energy from waste through our joint partnership with Plymouth City Council and Devon County Council which will continue for the next 20 years.

None of our non-recycled waste is sent to landfill – which is the “disposal” at the bottom of the waste hierarchy.

## Reasons for Change

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We already knew from the correspondence that we receive on a day-to-day basis that residents are not happy with the service that they have received in the past from TOR2. These views were also shared by many of you during the consultation process.

Part of the reason for establishing SWISCo was so that we, the Council, could have better control over the services we provide. We have included a new section within the Resources and Waste Management Strategy to explain the reasons why want to change (and in the order of priority):

- **The Climate Emergency**

We want to work with our communities to ensure they recognise the links between recycling, waste and climate change.

- **Improved customer experience**

We want to improve our recycling and waste service and we have the fleet of vehicles and technology to do this. We will work with you and our crews so that together we can be more efficient. We will improve how we communicate with our customers. We also recognise that this won't be a five minute fix.

- **Financial benefits**

We know that waste disposal is one of the biggest costs we face as a local authority. By increasing our recycling rates, we can save money on waste disposal that we can reinvest into other services, including our recycling service.

# Making the changes

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## Action 1: Increased education, engagement and communication

You told us during the consultation that you wanted more information about what can and cannot be recycled and that those within our community who are not recycling as much as they should be should be encouraged to do more.

Torbay already collects most items that processors will recycle. If there is no market for what we collect then it will need to be included with the residual waste.

We have added more information under this action about the role of the Recycling Co-ordinators and how they will be working with our recycling teams – all with the aim of increasing our recycling rates.

We will proactively educate and encourage residents to recycle, and where it is obvious that residents are not participating, they will be strongly advised to change their habits. As a last resort, if any residents actively fly tip or refuse to recycle then they will be issued enforcement letters.

We've also strengthened the information within the Strategy about the different means by which we will provide clear information about the recycling service, including how residents can request additional or replacement containers and the options for disposing of nappies and/or medical waste.

Our education, engagement and communication campaigns will be critical to the successful implementation of this Strategy and we will be taking many of the comments raised (and misconceptions highlighted) through the consultation to inform these campaigns. We will continue with promotions such as "Love Food, Hate Waste" in partnership with others.

## Action 2: Increase recycling capacity

We have changed the focus of this action from the draft Strategy – away from reduced frequency of residual waste collections toward increasing recycling capacity.

There were many responses which objected to a reduction in the frequency of residual waste collections, with many people stating that this was a cost cutting exercise.

The aim of this Resources and Waste Management Strategy is to increase recycling rates in order to help address the climate emergency.

This section has been updated to explain that:

- additional recycling boxes will be introduced, firstly in trial areas,
- practical advice on containment capacity will be given
- we will raise awareness of the amount waste households could recycle, especially food waste
- food waste will continue to be collected weekly, and
- any household can request additional recycling bins

The conclusion of this section is that if households recycle more, the amount of residual waste will be reduced and that this will mean we will not need to collect it as frequently.

As we say in the Strategy, East Devon District Council now has a recycling rate of around 62%. If Torbay could achieve half this gain, it would reduce our disposal tonnage by 5,000 tonnes. This has a positive impact on us achieving our climate change targets and would free up £500,000 to be invested in other services.

### Action 3: Changes at the Household Waste and Recycling Centre (HWRC)

There were comments within the consultation responses that the frequency of visits to the HWRC should be increased. As a result of listening to the concerns raised, on 5 October 2020, the frequency has been increased to four times every 28 days.

There were also comments about the potential for a resale shop to be situated at the HWRC. The site at Tor Park Road, Paignton is shared with the Transfer Station which bulks up recycling and residual waste prior to onward transport to the recycling processors and the Energy from Waste plant, respectively. This means that the site is always very busy with heavy plant operating daily. Therefore there is limited safe space to provide a resale shop as is provided by other local authorities.

We have considered setting one up in a different location, but this site would need its own waste permit, the required security and additional staffing. This means that, for both efficiency and financial reasons, the benefits are not sufficient for us to progress this option.

### Action 4: Introduce a garden waste collection service

We have added to this section that we will be investing in vehicles and containers in order to progress this action.

### Action 5: Review collections from flats and multiple occupancy buildings

No changes have been made to this section but we recognise that this is an area of frustration for residents and will work to improve our collections from these types of premises.

### Action 6: Develop commercial waste services

We have updated this section to ensure that we are encouraging businesses to operate at the highest level of the waste hierarchy.

### Action 7: Litter and street cleansing and fly tipping

Again we recognise the frustration that residents have with these services and we will review how they operate. A new Environmental Enforcement contract is now in place which will help to address the issues of littering and fly tipping.

## Action 8: Review of recycling banks

We have added a new action in response to the comments made about the provision of recycling bank across Torbay.



**Meeting:** Cabinet  
Council

**Date:** 18 February 2021  
25 February 2021

**Wards Affected:** All

**Report Title:** Community Engagement and Empowerment Strategy

**When does the decision need to be implemented?** Immediately

**Cabinet Member Contact Details:** Councillor Christine Carter, Cabinet Member for Corporate and Community Services, christine.carter@torbay.gov.uk

**Director/Assistant Director Contact Details:**

**Supporting Officer Contact Details:** Kate Spencer, Head of Policy, Performance and Community Engagement, kate.spencer@torbay.gov.uk

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### **1. Purpose of Report**

- 1.1 The purpose of this report is to seek the approval and implementation of the Community Engagement and Empowerment Strategy.

### **2. Reason for Proposal and its benefits**

We want Torbay and its residents to thrive.

We want Torbay to be a place where we have turned the tide on poverty and tackled inequalities; where our children and older people will have high aspirations and where there are quality jobs, good pay and affordable housing for our residents.

We want Torbay to be the premier resort in the UK, with a vibrant arts and cultural offer for our residents and visitors to enjoy; where our built and natural environment is celebrated and where we play our part in addressing the climate change emergency.

- 2.1 The proposals in this report help us to deliver this ambition by supporting the objectives of making us a Council fit for the future.

This strategy underpins the Our Communities project (part of the Council Redesign Programme) – how we will reconnect with, and enable and empower, our communities. It provides clarity, direction and focus for our organisation and the people working within it. It also provides a ‘map’ for the plans and activities required to drive the changes required to support our vision of being a Council works with their community.

- 2.2 The reasons for the decision are that the Council's current Consultation, Engagement and Communication Strategy is out of date. We made a commitment at the first Community Conference that the strategy would be reviewed, based on the feedback we received at the Conference.

Following Cabinet approval in September 2021 we undertook a consultation on the draft strategy. The results from this consultation can be found in Appendix 1 & 2.

The outcome of the consultation has not required any changes to the draft strategy but did provide a wealth of feedback that should inform the implementation plan for this strategy.

- 2.3 There are no significant financial commitments as a result of the recommendations within this report.

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### **3. Recommendation(s) / Proposed Decision**

That Cabinet recommends to Council:

- (i) That the Policy Framework be amended to replace the Communication, Engagement and Consultation Strategy with the Community Engagement and Empowerment Strategy.
- (ii) That the Community Engagement and Empowerment Strategy set out at Appendix 3 to the submitted report be approved.
- (iii) That Head of Policy, Performance and Community Engagement, working as part of the 'Our Communities' project team, takes responsibility for implementing the plans required to deliver this Strategy.

#### **Appendices**

Appendix 1: Community Engagement and Empowerment Strategy – Consultation Results

Appendix 2: Response to Consultation

Appendix 3: Proposed Community Engagement and Enablement Strategy

#### **Background Documents**

None

# Supporting Information

## 1. Introduction

- 1.1 The report from the first Community Conference (2019) recommended that one of the elements required to translate the Council's determination to engage with communities more effectively into real change "on the ground" was a community engagement strategy that could become embedded in the work of all the Council's directorates and departments. It was felt that this (alongside other recommendations) would support the strong desire voiced by conference participants for a change in culture and mind-set within the Council.

The strategy sets out to our members, staff and community not only our plan of how we will address some of the key themes emerging from the conference but also clear statements about what our offers, commitments and actions will be. It also makes clear what we are asking the community to support this improvement and build more positive, trusted relationships.

The strategy outlines how the Council intends to meet its mission to be a Council that works in partnership with its residents, communities and partnerships.

The Strategy is split into 6 key domains that outline how we propose to improve our community engagement and how we want to work alongside and empower the community in Torbay. The proposed domains are:

- Working differently
- Keep you informed
- Ask what you think
- Decide together
- Act together
- Support independent community initiatives

The first domain outlines what our offers are to the community to facilitate this approach and what we ask of the community to support. It provides a narrative to explain the Council's new approach and proposals about how a partnership framework would look in Torbay.

The subsequent domains make clear statements about what our commitments are and what our planned actions are to meet these. Many of these commitments and planned actions were identified at the Community Conference in September 2019.

## 2. Options under consideration

- 2.1 The Strategy has been developed based on good practice in other local authorities and through using the feedback gathered during the Community Conference in September 2020.
- 2.2 Following the consultation through October – December 2020 a review of the Strategy was undertaken. The outcome of the consultation review is outlined in Appendix 1. There was some very constructive feedback and criticism of the Draft

Strategy document. However the analysis indicated that the feedback related strongly to the delivery and implementation of the Strategy rather to the actual strategy itself. This feedback will need to be incorporated into the delivery plan.

### **3. Financial Opportunities and Implications**

- 3.1 In agreeing to approve the Community Engagement and Enablement Strategy, there are limited financial implications. The costs of the implementation will be met existing budgets. Any costs associated will be factored into the Council Redesign programme.

### **4. Legal Implications**

- 4.1 There are no legal implications in approving this Strategy.

### **5. Engagement and Consultation**

- 5.1 Consultation on this Strategy was undertaken online. Two surveys were conducted. One by Torbay Council which required participants to have read the full draft strategy. A second consultation was undertaken by Torbay Community Development Trust which did not require participants to have read the full document (it took participants through the key asks and offers contained within it).
- 5.2 The majority of feedback showed support for the Strategy in terms of its contents and ambitions. The consultations did illicit a range of useful information and feedback from participants that need to inform the implementation of this strategy. A summary of these can be found in Appendix 1.
- 5.3 There had been plans for the online surveys to be supplemented by face to face consultation sessions. However the second lockdown in November 2020 meant that we were unable to undertake these consultation activities and to consider extending the consultation period. However, a further lockdown in January 2021 has led us to continue with the proposal to adopt the strategy in its current form rather than to delay it further. Information from the second community conference and the online consultations has been consistent with the messages from the first Community Conference which informed the content of the Strategy.
- 5.4 There was not sufficient evidence to warrant any significant changes to the Strategy. Engagement and consultation will continue to form a key part of the implementation of this strategy – both internally and externally to the organisation.

### **6. Purchasing or Hiring of Goods and/or Services**

- 6.1 The decision does not involve the purchasing or hiring of any goods or services.

### **7. Tackling Climate Change**

- 7.1 The Strategy will form the basis of how we engage with our communities to tackle climate change.

### **8. Associated Risks**

- 8.1 There is a risk to the Council of not having an appropriate Community Engagement and Enablement Strategy in that our commitment to better community engagement (within the Community and Corporate Plan) will not be met effectively.

# Community Engagement and Empowerment Strategy – Consultation Results

10 December 2020

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For more information please contact [consultation@torbay.gov.uk](mailto:consultation@torbay.gov.uk)

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## Contents

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<b>Introduction</b> .....	<b>2</b>
<b>Summary</b> .....	<b>3</b>
<b>Responses</b> .....	<b>4</b>
Domain 1 – Working differently .....	4
Domain 2 – Keep you informed .....	9
Domain 3 – Ask what you think .....	10
Domain 4 – Decide together.....	11
Domain 5 – Act together.....	12
Domain 6 – Support independent community initiatives .....	14
<b>TCDT "Light Touch" Engagement on How the Council &amp; Community Can Work Together..</b>	<b>17</b>
<b>Social Media Posts &amp; Evaluation</b> .....	<b>30</b>

# Introduction

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The report from the 2019 Community Conference recommended that one of the elements required to translate our determination to engage with communities more effectively into real change "on the ground" was a community engagement strategy that could become embedded in the work of all our directorates and departments. It was felt that this (alongside other recommendations) would support the strong desire voiced by conference participants for a change in our culture and mindset.

This draft strategy sets out to our members, staff and community not only our plan of how we will address some of the key themes emerging from the conference but also clear statements about what our offers, commitments and actions will be. It also makes clear what we are asking of the community to support this improvement and build more positive, trusted relationships.

The strategy outlines how we intend to meet its mission to be a Council that works in partnership with its residents, communities and partnerships. It is split into six key domains that outline how we propose to improve our community engagement and how we want to work alongside and empower the community in Torbay. The proposed domains are:

- Working differently
- Keep you informed
- Ask what you think
- Decide together
- Act together
- Support independent community initiatives

The first domain outlines what our offers are to the community to facilitate this approach and what we ask of the community to support. It provides a narrative to explain our new approach and proposals about how a partnership framework would look in Torbay. The subsequent domains make clear statements about what our commitments are and what our planned actions are to meet these.

An online survey was created to gather public views on the details of the strategy. The survey opened on 21 October 2020 and closed at midnight on 20 December 2020. There were 56 responses to the Council's survey.

In addition a second survey which guided respondents through the key points of the strategy was created and promoted by Torbay Community Development Trust (TCDT). There were 161 responses to the TCDT survey.

Results from both surveys are included within this report.

Tables were constructed and percentages calculated using the overall number of questionnaires received as the denominator. Comments have been grouped into themes and are shown in tables in this report. Some comments cover more than one theme.

# Summary

Domain	Yes	%	No	%
<b>1 – Working differently</b>				
Do you agree there are benefits to engagement with public services?	53	94.6%	<5	~
Do you think the purpose of the draft Strategy is clear?	41	73.2%	14	25.0%
Do you think Torbay's 'ladder of participation' is clear?	37	66.1%	18	32.1%
Do you think 'Our Offers' are clear?	41	73.2%	13	23.2%
Do you think 'Our Asks' are clear?	43	76.8%	10	17.9%
<b>2 – Keep you informed</b>				
Do you think 'Our Commitments' are clear?	44	78.6%	11	19.6%
Do you think 'Our Actions' are clear?	42	75.0%	13	23.2%
<b>3 – Ask what you think</b>				
Do you think 'Our Commitments' are clear?	42	75.0%	11	19.6%
Do you think 'Our Actions' are clear?	39	69.6%	14	25.0%
<b>4 – Decide together</b>				
Do you think 'Our Commitments' are clear?	43	76.8%	11	19.6%
Do you think 'Our Actions' are clear?	40	71.4%	14	25.0%
<b>5 – Act together</b>				
Do you think 'Our Commitments' are clear?	42	75.0%	10	17.9%
Do you think 'Our Actions' are clear?	40	71.4%	12	21.4%
<b>6 – Support independent community initiatives</b>				
Do you think 'Our Commitments' are clear?	39	69.6%	14	25.0%
Do you think 'Our Actions' are clear?	38	67.9%	15	26.8%



# Responses

## Domain 1 – Working differently

**Do you agree there are benefits to engagement with public services?**

	Number	%
Yes	53	94.6%
No	<5	~

**Do you think the purpose of the draft Strategy is clear?**

	Number	%
Yes	41	73.2%
No	14	25.0%

The comments received in respect of the above question have been grouped into themes and a sample of the responses shown:

General Theme	Sample Extracts
It's clear / good.	<p>“The draft strategy is clearly worded, it sets out its aims in a clear and logical way and it's easy to read.”</p> <p>“The draft strategy sounds very positive and recognised the fact that changes need to be made to achieve a more inclusive and collaborative approach to positive change, not just in the VCSE sector but tourism and economy alike.”</p>
More needed in the strategy / not clear.	<p>“Although it is clear, the document seems to link or rely heavily on TCDT which seems limiting”</p> <p>“It's just the usual incomprehensible local governmentese waffle. I'm interested in the subject, and care very much about it, and I'm intelligent, but I still understand hardly any of it. You really need to translate it and tell people in the English language what you're trying to do.”</p>
Sceptical about it being implemented.	<p>“Having read the strategy document I would agree with the approach outlined in it. The purpose is clear and quite detailed and</p>

	<p>comprehensive. However the test will come when it is implemented, I would be concerned about consultation periods and time spent before action is taken The resources used and cost of the whole process in reaching decisions.”</p> <p>“Stating the intention of engaging with the community is very different to ACTUALLY engaging with the community. In 18 months actual engagement has not occurred. Is it your intention to continue stating it is an intention but never ACTUALLY engage?”</p>
There are benefits to working with the community.	“With dwindling resources, it makes sense to tap into those already existing in the community. The proposed way of working together with the community has been an ideal I have held my entire adult life.”
Better engagement / communication with the community is needed.	<p>“Council needs to engage more with ratepayers rather than politically motivated elected members”</p> <p>“Obtaining community feedback is key to building better relationships between the Council and its residents. I do question how activated the community is in reality, and whether those who do engage sit on the polar ends of any spectrum and the fact is that the majority of residents are apathetic to community engagement”</p>
Other	“I had thought that the Strategy would already be in place, obviously not so congratulations on the preparation of the document and now let’s get it implemented.”

**Do you think Torbay’s ‘ladder of participation’ is clear?**

	Number	%
Yes	37	66.1%
No	18	32.1%

The comments received in respect of the above question have been grouped into themes and a sample of the responses shown:

General Theme	Sample Extracts
Its clear / good	“There is a clear line that the authority would like to follow that is evident from the ladder's construction.”

	“Yes clear - the diagram is useful”
It’s not clear enough	<p>“Because the language you use, and the structure of the document, make the whole thing impossible for anyone to understand. GIVE SOME CONCRETE EXAMPLES.”</p> <p>“It’s doesn’t mean anything it’s just words to placate.”</p>
Implementation	<p>“As long as the Council leads the debate based on realistic resource availability”</p> <p>“You have stated that you will engage with Community Partnership Forums and yet you are blatantly disregarding the Neighbourhood Plan that unpaid residents spent years of their time formulating and was approved by over 98% of the community.”</p>
Other	“Why is it a ladder - surely you should be supporting community initiatives now, it’s not like you do one to the exclusion of other things”

**Do you think ‘Our Offers’ are clear?**

	Number	%
Yes	41	73.2%
No	13	23.2%

The comments received in respect of the above question have been grouped into themes and a sample of the responses shown:

General Theme	Sample Extracts
They are clear	<p>“A few simple points see to get across quite a few ideas, so yes it is clear. We need a clear strategy going forward to engage with many people from different situations and backgrounds.”</p> <p>“I think it’s a clearly laid out document overall”</p>
They are not clear enough / more is needed	<p>“Not really, the listening part is good but after that it’s a bit muddled as the rest is irrelevant if the first one is adhered to.”</p> <p>“Should be more emphasis on listening.”</p>

Implementation	<p>“As long as they come from a strong unitary base”</p> <p>“There has been no evidence that you wish to ACT on your intentions”</p>
Other	<p>“Torbay Council would like something for nothing. Very unattractive offer.”</p> <p>“Don’t believe a word of it”</p>

### Do you think ‘Our Asks’ are clear?

	Number	%
Yes	43	76.8%
No	10	17.9%

The comments received in respect of the above question have been grouped into themes and a sample of the responses shown:

General Theme	Sample Extracts
They are clear	<p>“Although wordy and duplicatory with some strange language they aims for both council and community are sound.”</p> <p>“Good emphasis on promoting community cohesion.”</p>
They are not clear enough / more is needed	<p>“It appears a lot of time and resources have been wasted producing this pap. You appear to underestimate the views and cynicism of your local residents.”</p>
Implementation	<p>“Clarity isn't the issue, but rather a genuine commitment to such goals”</p> <p>“Asking the community to believe or trust when there is no evidence of the Council wishing to act on their intentions is too big an ask.”</p>
Other	<p>“It basically says we don’t know how to communicate have no money and need you to do everything.”</p> <p>“What are you asking?”</p>

**Are there any other offers and asks that we should include?**

The comments received in respect of the above question have been grouped into themes and a sample of the responses shown:

General Theme	Sample Extracts
No	<p>“It would appear to me that the Asks and Offers are well covered”</p> <p>“No. Let's see how it goes.....”</p>
Ask and listen	<p>“Listen, offer money and trust the community partnerships to make decisions for their wards. If you have a strategy tell us and we will come up with ideas that meet it. Stop telling us why you can't do things and tells us what you can do. Promise or a residents charter, keep streets clean areas cut paths clear etc. Stop telling the few to do everything.”</p>
Collaboration	<p>“Look at collaboration, what about seed funding engagement activities which would target those furthest from community engagement and find out why people don't get involved”</p>
Prove it	<p>“Show the community that you are acting on the intentions you set out 18 months ago but have still not acted on.”</p>
Other	<p>“I think it should also recognise the limits of its ability and capacity to hear from residents that are not interested, or not able to, meaningfully engage.”</p> <p>“I don't understand the question - perhaps that is the issue, if you know what you are talking about, do the people you are talking to understand YOU and what YOU are getting at.”</p>

## Domain 2 – Keep you informed

### Do you think 'Our Commitments' are clear?

	Number	%
Yes	44	78.6%
No	11	19.6%

### Do you think 'Our Actions' are clear?

	Number	%
Yes	42	75.0%
No	13	23.2%

### Are there any other commitments or actions you would like to see?

The comments received in respect of the above question have been grouped into themes and a sample of the responses shown:

General Theme	Sample Extracts
Meaningful actions / outcomes are needed	<p>“Commitment is a rhetorical assertion that needs to be backed up with meaningful actions”</p> <p>“Whilst the commitments are clear the actions are not smart and require some form of measurement to demonstrate what success would look like and ideally a timeframe”</p>
Improve communication methods	<p>“Again I would be concerned with the long process in any proposal before adoption or other. I am concerned at the overuse of social media for information distribution. Better and safer by Email and if it can be developed then Zoom forums.”</p> <p>“I think there needs to be significant investment in helping Council representatives to engage with residents in a meaningful way. Not all Councillors or employees are confident or happy with liaising with the public directly and there is a skills gap that will emerge rapidly if that's not considered and plugged now.”</p>

Other	<p>“Give full support to your ViewPoint Panel and ensure its makeup continues to fully reflect the population of Torbay.”</p> <p>“You must support local business, encourage people to shop locally and encourage people to come to our beautiful county”</p>
Representation	<p>“To make it a required duty for councillors to take an active part in community organisations, e.g., partnerships.”</p>
Climate Change	<p>“Yes! I would like to see a raft of actions and commitments to tackle the Climate Emergency.”</p>

### Domain 3 – Ask what you think

#### Do you think ‘Our Commitments’ are clear?

	Number	%
Yes	42	75.0%
No	11	19.6%

#### Do you think ‘Our Actions’ are clear?

	Number	%
Yes	39	69.6%
No	14	25.0%

### Are there any other commitments or actions you would like to see?

The comments received in respect of the above question have been grouped into themes and a sample of the responses shown:

General Theme	Sample Extracts
Other	<p>“This feedback sheet and the budget one is so limited as to provide single vector answers, you don’t want a discussion just the correct answer to the question you wanted. Even the framing of the choices is poor and wouldn’t win a plain English award.”</p> <p>“Possibly more individual participation”</p>
No	<p>“Enough already there for the time being.”</p>
Timeframe for action needed	<p>“Community engagement needs a targeted timetable with any project”</p>
Action	<p>“Difficult to tell now. Time will learn the added value of commitments and actions depending on what is possible.”</p>

### Domain 4 – Decide together

#### Do you think ‘Our Commitments’ are clear?

	Number	%
Yes	43	76.8%
No	11	19.6%

#### Do you think ‘Our Actions’ are clear?

	Number	%
Yes	40	71.4%
No	14	25.0%



**Are there any other commitments or actions you would like to see?**

The comments received in respect of the above question have been grouped into themes and a sample of the responses shown:

General Theme	Sample Extracts
Other	<p>“Together only as long as you do what we want.”</p> <p>“To ensure that by encouraging Community involvement the Council does not abrogate its own responsibilities.”</p>
Engage differently / better	<p>“I can help you engage with those of us who are not on Mainstream social media, make use of decentralised networks such as Mastodon to find people who can help in different ways, maybe also reach out to the free and open source software community, going forward there is a lot out there that is really interesting around putting control of information back in to the hands of individual people.”</p> <p>“Again I would be concerned at the length of consultation before decisions are reached”</p>
Plan and measure / deliver actions	<p>“...The best way to measure is to have a clear action plan that the community can follow and participate in early and often in order to assist the plan becoming a success.”</p> <p>“No. Once again, simply that 'decide together' actually has meaning, and isn't just a 'tick box' exercise.”</p>

**Domain 5 – Act together**

**Do you think ‘Our Commitments’ are clear?**

	Number	%
Yes	42	75.0%
No	10	17.9%

## Do you think 'Our Actions' are clear?

	Number	%
Yes	40	71.4%
No	12	21.4%

## Are there any other commitments or actions you would like to see?

The comments received in respect of the above question have been grouped into themes and a sample of the responses shown:

General Theme	Sample Extracts
Other	<p>"More active support for youth groups."</p> <p>"Again trying to dictate what happens into a homogenised mass. This leaves little opportunities for organic growth as you must become part of a stakeholder or partnership group."</p> <p>"No idea of this, we are always left out"</p>
Resources	<p>"I have a concern about the amount of officer/council worker time engaged in these board/meetings when deciding things as in previous years a small amount of funding has been very costly to distribute due to the amount of staff time involved, and whilst the commitments are clear the actions are not smart and require some form of measurement to demonstrate what success would look like and ideally a timeframe. In addition true ownership comes from the community having actual ownership of facilities and spaces, through community asset transfer - something no longer considered in Torbay. In fact Torbay seeks best value or to sell assets, which community groups then end up renting from commercial landlords, and recharging the costs back for council services, so although at first the council has a little income, over time it has a much higher cost"</p>
Review existing roles	<p>"We have to act together and work collaboratively particularly on the subject of VCSE funding. There needs to be a restructure or overhaul of the Council's partnership with TDCT in terms of funding as it's unfair and not impartial. The grassroots organisations are missing out on vital funding for services when TDCT have the monopoly on funding to pay salaries for people 'coordinating' rather than doing. I suggest that Torbay Together (or any organisation not in long term partnership or</p>

favoured by TDCT) oversee a fair funding distribution across ALL organisations in Torbay.”

Technology

The Council will hold an online discussion on 12.1. re White Rock 2. Cheeky. Instead of waiting until people physically can attend, they make it difficult. Not all can/ want online discussions. I think it shows that this great draft of Community engagement is already undermined!

## Domain 6 – Support independent community initiatives

### Do you think ‘Our Commitments’ are clear?

	Number	%
Yes	39	69.6%
No	14	25.0%

### Do you think ‘Our Actions’ are clear?

	Number	%
Yes	38	67.9%
No	15	26.8%

### Are there any other commitments or actions you would like to see?

The comments received in respect of the above question have been grouped into themes and a sample of the responses shown:

General Theme	Sample Extracts
Other	<p>“Publicise what you mean.”</p> <p>“Keep things singular from the Unitary top - Torbay Council - you should lead as a single voice.”</p>
Community collaboration	<p>“I’d like the actions to be more specific i.e. exactly how can you support. How will you ensure a more collaborative approach and</p>

	indeed pick up on any concerns the grass roots organisations have about other organisations not working collaboratively.”
Support and listen	“Absolutely essential because it will increase needed support on both sides. Above that it will show the local community that they are important with developing valuable initiatives.”
Review existing roles	“Take TCCT out of the loop for local greenspaces. Just leave them the farmland, footpaths and Occombe Farm.”

**Are there any actions or proposals set out in this draft Strategy that you believe may have an adverse impact on equality of opportunity or on good community relations?**

The comments received in respect of the above question have been grouped into themes and a sample of the responses shown:

General Theme	Sample Extracts
No	<p>“No, but then I have only a limited knowledge of the needs of the various groups in the Bay.”</p> <p>“No, but we can overcome any which might arise, through oversight”</p>
Other	<p>“Equality of opportunity? Are we seriously talking about Torbay?”</p> <p>“If you will not take on board the community wishes there will be no one who bothers to reply”</p>
Act on promises	<p>“Words are meaningless unless your actions support them. Re Inglewood development for example, nobody locally to it wants it, it is not part of the Neighbourhood Plan you promoted so much and you are not working with the local groups to oppose it. So all your documents may look good on paper but unless you act upon the, they are hollow words like most politicians unfortunately.”</p>
It misses groups	<p>“Yes it concentrates on systems which have been around for a long time and have had little impact on moving Torbay out of multiple deprivation. We need something more inclusive that seeks out response from those most vulnerable in our community, and not the vocal few who choose to engage in this manner”</p>

Access to technology	“I do not support the overuse of social media, I suggest other means of communication should be used alongside this method. Facebook and twitter carry a lot of abusive content, I prefer Email and hard copy.”
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**Are you aware of any opportunities to better promote engagement opportunities and community relationships?**

The comments received in respect of the above question have been grouped into themes and a sample of the responses shown:

General Theme	Sample Extracts
Work with groups	<p>“Working alongside churches and local groups of people such a youth groups, sports clubs and scouts to increase things like 'parties in the park', street parties, use of community buildings/church halls for craft fayres etc Days to 'do up the park', or 'paint the town red' etc where volunteers from the local area get together to make it look better”</p> <p>“Yes working with partners to pool resources and gain the widest responses, NHS, DWP, ESFA funded providers, etc”</p>
No	<p>“No, things remain in the hands of a handful of people who are regarded as a safe pair of hands by The Council when it comes to engagement. There is little prospect of this changing, particularly in the current climate of fear over Covid. Well, you did ask!”</p>
Other	<p>“Yes the council need to hold much more contact information of the public as was proved at the start of the covid situation, there was no way of disseminating information out to the public. People don't always listen to the radios and don't read the herald the council were working in a different decade unfortunately.”</p>
Communicate better / listen / improve relations	<p>Research of wishes and needs in the local communities at forehand and select the most important opportunities (not only by considering cost/benefit analysis)</p>
Lack of trust	<p>“I believe Torbay Council has failed to recognise or engage diversity in our community for so long that the failings are institutionalised. I have experienced ethnic discrimination from Torbay Council and</p>

believe it would now be impossible to form 'community relationships' outside of your white middle class ghetto.”

Promotion

“I think that more needs to be done to publicise positive cooperative working between the council and community. There are many examples over the last few years, but few people other than those involved who know about them. If these are lauded, then negative attitudes toward the council might begin to change.”

## TCDT "Light Touch" Engagement on How the Council & Community Can Work Together

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### **1. Keep you informed**

The Council pledges:

#### **Commitments**

We will be open and honest and timely in our communication

#### **Actions**

- We will review and improve the Council's website.
- We will maximise the effectiveness of social media, encourage councillors and senior officers to join the conversation.
- We will ensure that communication between Council departments is effective.

## How is important is this to you?

	Number	%
Not very important	<5	~
Slightly important	8	5.0%
Important	20	12.4%
Quite important	32	19.9%
Very important	96	59.6%

## Your Comments and ideas.

General Theme	Sample Extracts
Communicate and inform	<p>“As well as being important to communicate with the local Community, it should be done well in advance to allow the community the time to take any necessary action.”</p> <p>“... When paid council officers do not bother to communicate or even listen to the community something is very wrong. This lack of communication and understanding creates distrust and an attitude of why bother. Ward councillors have a vital role to play as they are there to support the community but they need to be given time by council officers too....”</p> <p>“It is Critical. No communication is worse than communication saying we don't know anything at present”</p> <p>“Communication is vital...it is important that the Council know just who is doing the on the ground work in their community, therefore a comprehensive database of those that need to be communicated with is something that needs to be built. It should not have to rely on organisations 'finding out' but the council have to be proactive in involving people.”</p>
Clarity / transparency	<p>“Great. As long as the 'communication' is in plain English and not in ' garbled Engagement talk”</p> <p>“How will these actions be implemented? It's fine to say what you are planning to do, but clarification as to how these actions will be carried out would provide some substance.”</p>

	<p>“Be honest about cost savings when cutting or curtailing services, don’t hide behind another reason if it is about money.”</p>
<p>Access to officers / Councillors / Communication at the council</p>	<p>“Council contact is currently very guarded and it is difficult to get a named contact. Knowing who to speak to in relevant departments (in order to effect community action) would be a great start.”</p> <p>“Really important for councillors to join the conversation.”</p> <p>“Improving communication between departments is essential - there is too much "silo" working and defensive behaviour. It is wasting valuable resources.”</p>
<p>Social Media</p>	<p>“It is vital that the residents of Torbay know what is happening and, more importantly, understand WHY it is happening. The fact of the matter is that so much of our lives is now undertaken via social media and digital platforms, so these portals are paramount to clear and concise communication.”</p> <p>“Not only social media, but reach out to those who are not "computer savvy"”</p>
<p>Other</p>	<p>“I don’t believe it, just another paper exercise to make themselves feel good”</p> <p>“This is radical and long awaited”</p> <p>“Most Councils already do this why aren't you?”</p>
<p>Website</p>	<p>“Web sites are often confusing &amp; need to be easy to use. Not everyone has or uses a computer so leaflets &amp; personal contact remains very important.”</p> <p>“I am in agreement that the Council's website needs updating and could be more interactive.”</p>
<p>Listen</p>	<p>“It is crucial for the community to feel that the Council is listening to (not just 'hearing') concerns and, very importantly, prepared to act on them positively.”</p>
<p>Actions</p>	<p>“My comment is that actions speak louder than words, this sounds incredible.”</p>



## 2. Ask what you think

The Council pledges:

### Commitments

We will listen, understand, remember, evaluate and feedback to you. We will ensure that our consultation is based on genuine exchange of views that will influence decisions, policies or programmes of action.

### Actions

- We will agree with you on what we consult on the start of each year.
- The Cabinet will hold at least three Cabinet Conversations each year and will host an annual Community Conference.
- There will be regular Ask Us Events online or in venues across Torbay.

### How is important is this to you?

	Number	%
Not important	<5	~
Slightly important	8	5.0%
Important	23	14.3%
Quite important	40	24.8%
Very important	84	52.2%

### Your Comments and ideas.

General Theme	Sample Extracts
Listen to and hear the community / Don't ignore what is said	<p>"I am convinced that our views are frequently listened to and totally ignored when decisions are made."</p> <p>"Please listen to reasoned thoughts, not just those making the most noise"</p> <p>"Really? How does this reflect on the Neighbourhood Plan when you asked for views and opinions and then spent huge sums of money putting it together and ignored what the public wanted? Shameful- don't pay lip service to this and then ignore the answer just because it's inconvenient or not what you wanted to hear. Local councillors</p>

	<p>need to up their game and if they are not representing the community and their views move aside.”</p>
<p>Accessible engagement</p>	<p>“...Without a clear definition of the measurement of these actions it is impossible to see if this will be any better than what there has been before I suspect this will engage the vocal but minority of people who usually take part in such activity, but miss those who face barriers to community engagement”</p> <p>“Will the content and results of these Cabinet Conversations, and the Community Conference be available for everyone to view? Will there be language interpreters at the Conversations, Conferences and Events? Will the Conversations, Conferences and Events be held at a time outside of "normal" working hours so that people won't have to miss work and therefore lose money in order to attend?”</p>
<p>Other</p>	<p>“The Council needs to stop doing ‘consultations’ that have such limited options that they are manipulating the answers people can give to suit the Council’s agenda. Staff need training in legitimate research methods, or outside consultants need to be used.”</p> <p>“Look after and maintain what's here at the moment, the shops, public buildings, parks. The beach and facilities are what attract the tourists which bring business to the area.”</p>
<p>Consult / Inform and Communicate</p>	<p>“Anything that can inform the community and get them to take an interest in the decision making process is definitely worthwhile.”</p> <p>“Interaction between the council and the public is essential, so that there is little or no misunderstandings between what the Council aim to do and what the public THINK that the council aim to do.”</p>
<p>Wider engagement</p>	<p>“The first community conference was oversubscribed - showing how important the community consider conversations and communication. More should have been done to facilitate a larger audience or break it down to smaller ward conferences to give local community the chance to make their points.”</p> <p>“It is important that this is meaningful and not limited to those who have the loudest voices or engage with existing forums. This is not representation, listening engagement. Going to meet people where they are and seeking views, especially those least likely to engage with existing and historical forums. As stated, while an improvement still starts with the premise that people will come to the Council on its</p>

	terms. Need broader approaches than this as well. Examples, attending where people congregate or street interactions in town centres.”
Feedback / Show Community influence	<p>“People like to feel they are listened to and that their views can make a real difference.”</p> <p>“The council asks the residents on different things but never get back to the residents of what has decided there hold all these meeting which we put our views what is important to us and the way we want the councillors to get back to us”</p>
Neighbourhood plans	“Your actions in the past do not reflect this. Especially as you have chosen not to observe the Neighbourhood plan. How is this being democratic? What right do you have to do this - ignore the people of Torbay? If Councillors do not listen to the local people they are not fit for their role. They need to resign. You may say you are going to do this but you are not. Shame on you all.”

### 3. Decide together

The Council pledges:

#### Commitments

We will ensure that people are given the opportunity to play an active role by shaping the future of services which may affect them and we will be realistic about our limitations and the need for the council to use reducing resources to best effect.

#### Actions

- We will increase opportunities for you to design services with us and to take responsibility where possible.
- We will provide feedback outlining how your contributions have influenced decisions.

## How is important is this to you?

	Number	%
Not important	<5	~
Slightly important	<5	~
Important	18	11.2%
Quite important	37	23.0%
Very important	94	58.4%

## Your Comments and ideas.

General Theme	Sample Extracts
Engagement with the community	<p>“I haven't seen any evidence of this up till now....there used to be customer panels who were asked their opinion on various aspects of council work -communications, letters forms, access to council services and service delivery.”</p> <p>“The Council needs to ensure that it engages with the community in its broadest sense (not just the loudest voices) and that it works up ideas and options with us, Presenting options which have been drawn up in isolation and then asking out opinion is not engagement or coproduction.”</p> <p>“This needs to be done in a fun, interactive way in order to engage and include as many people as possible. Workshops and vision events could be used. Also, building on the growing confidence with technology it could be good to use something like Zoom to increase participation and engagement.”</p>
Other	<p>“If this happens it will be an improvement on the present situation”</p> <p>“As always it will be a clique of people who get the benefits while having a good life at the taxpayers' expense”</p>
Listen to the community	<p>“Really listen to the public don't just be politically correct and simply ignore the individual Advvertise what changes have been made. Explain simply why things cannot be done. Yes vulnerable need help but remember those who pay their council tax in full quietly year after year. Don't forget the quiet people over those who shout the loudest.”</p>

	<p>“We need the council to be more honest with the residents and share their views and then the public will have more to say we feel that we are not listened to and perhaps we will work with the council”</p>
Feedback	<p>“Feedback and reasons for why decisions have been made is important in helping to build an understanding and trust between the council and general public.”</p>
Work together	<p>“The Covid Helpline showed what can be achieved quickly and efficiently, utilising volunteers, with the statutory and voluntary sector working together. The Council's BAME Review is another good example of a proactive Council working with the community and with an elected member taking the lead. We are now hopefully looking at co-design and co-delivery in a new post-Covid and post-austerity Bay.”</p>
Support / Facilitate the Voluntary Sector	<p>“As Volunteers we seem to be bridging the gaps left by the long period of austerity. This now looks as if it will go on for a very long time. The services that affect the vulnerable women we meet are Mental Health, Housing, Homelessness. All need improvement and investment and I suspect encouragement.”</p>
Be honest	<p>“Feedback is important as is being honest and realistic when people will see the changes for themselves. If it will take 2-3 years, say so at the outset.”</p>
Service reduction	<p>“For this pledge to work it has to be more than just the public accepting joint responsibility for cuts and closures, it has to be about genuinely looking at different and innovative ways of achieving similar or better outcomes at reduced costs. The Council need to use the competitive nature of the voluntary sector to find alternative providers for services and outcomes that the Statutory sector can no longer provide at a good price.”</p>
Not clear how this will be achieved	<p>“Nice words but lacking on the "how"”</p>

## 4. Act together

The Council pledges:

### Commitments

We will encourage and support our communities in order to bring about positive change for the good of the whole area.

### Actions

- We will provide a senior officer to each neighbourhood to support councillors in delivering local solutions.
- We will work to engage young people in the work of the Council, including through schools, colleges and sports groups.
- We will strengthen the connections between housing providers and the community.
- We will support capacity building for key community groups and encourage community weekends, festivals and other events

### How is important is this to you?

	Number	%
Not important	8	5.0%
Slightly important	7	4.3%
Important	18	11.2%
Quite important	30	18.6%
Very important	90	55.9%

### Your Comments and ideas.

General Theme	Sample Extracts
Engagement / Involvement / Communication of information	“Having a point of contact that can effectively manage conversations and hold the process helps avoid delays and frustrations where misunderstandings arise.”  “There should be a commitment to Community Partnerships as these can offer an effective sounding ground and focus for actions and communications”

“Nice idea but I cannot see the community getting on bored with this one for a long time. They barely engage with the councillors and instead use them as council officials, and expect them to deal with anything from ASB, poor housing, parking problems, noisy neighbours, litter, dog poo and council tax bailiffs. It’s so hard to get a response from the council without their involvement in a cc email and I feel local communities do not always want to engage with councillors unless there is a problem....”

Senior Officers

“It will be good to have a person to speak with in our neighbourhood. Face to a name, and who takes responsibility for actions required, not just a nodding dog.”

“Yet another layer of people getting huge salaries while doing next to nothing.”

“I do not agree with a 'senior officer' to support councillors. It would be better if you provided them with funding for the ELECTED REPRESENTATIVE whilst in office and ask them to find their own officer/support staff. Otherwise you will end up like 'Yes Minister' and the voice of the electorate will be undermined by overpaid unaccountable bureaucrats.”

Other

“Very laudable aspirations, I really hope people will get on-board and help Torbay have a better future.”

“It’s important that all Ages are represented and the needs of all are addressed”

Community Groups

“Ok Ja! Let’s have capacity building! Never mind the buses, bin collections, state of the roads... we have capacity building of community groups! Get to grips with what counts.”

“Community groups and festival organisers have a wealth of information to input into plans, let's hope they engage....”

Events

“The children's week and sci fi day events are so vital to charities and so much fun. Red tape must be removed to enable these events to go ahead”

“Does this mean the support of BMAD that early closed earlier this year despite attracting visitor £ to the Bay for many years and supporting local individuals in special needs?”

Councillors	<p>“Support of Ward Councillors will provide more quality in contacts with our Ward Councillors and this seems important in the rather short communication line with them. However not all actions seems relevant.”</p> <p>“Does a paid councillor really need a senior officer for support? Isn't that just another level of authority to work through?”</p>
Young people	<p>“Engaging with, supporting, and encouraging the youth in the area to stay and develop a good career is the future of Torbay. Without this being a success we will continue to spiral into yet further decline. Communication with them, doing something that they can relate to, is vital so yes, festivals etc are a good idea. Make it happen.”</p> <p>“Community engagement should begin at school.....we need everyone to care about what happens.”</p>
Housing	<p>“...Housing providers should have a better connection with each other as well as with the Community. There should be a VCSE Housing Support partnership that is also able to feed into housing providers plans for housing and service design.....”</p>
Improve the local area	<p>“Spend time on bringing back the care and love of our buildings and gardens make us proud of the area once again”</p>

## 5. Support independent community initiatives

The Council pledges:

### Commitments

We will enable you to do what you want to do in your community, whilst maintaining a duty of care and our legal requirements.

### Actions

- We will work to establish a "space" - potentially as part of [www.torbaytogether.org.uk](http://www.torbaytogether.org.uk) - to celebrate success and connect like-minded individuals who want to improve their neighbourhood.
- We will establish a Community Enablement Fund to provide seed funding for community action.
- We will work with the Torbay Community Trust (TCDT), Torbay Community Builders and others to enable community action and support people who want to volunteer in Torbay.



- We will empower our staff to be more flexible and responsive in engaging with the public and communities, and encourage them to volunteer and share their expertise.

**How is important is this to you?**

	Number	%
Not very important	6	3.7%
Slightly important	5	3.1%
Important	24	14.9%
Quite important	27	16.8%
Very important	90	55.9%

**Your Comments and ideas.**

General Theme	Sample Extracts
Support / encourage / make it easier	<p>“As before, neighbourhood representatives or volunteers are usually busy people and just want to get on with what they are doing for the community not spending large amounts of time filling in forms and having to attend meetings.”</p> <p>“Volunteers are more important than ever now that there are so many cutbacks. Supporting volunteers, rather than putting obstacles in their way can only enable us to achieve more.”</p> <p>“As the Bay has a high percentage of people over 65 there should be more groups to encourage us to engage together and encourage friendships. I know 11 people this Christmas who will not see a soul and have had a difficult and lonely time this year. I work many hours as a volunteer for Rowcroft, the best decision I made when retiring here in 2010. This I think should be greatly encouraged in all areas of volunteering.”</p>
Other	<p>“Presumably there will be an overall plan and a priority assessment.”</p> <p>“Can't argue with the intent here”</p> <p>“Don't believe you”</p>
Work together	<p>“Council staff have skills we could use in the community if they were supported to volunteer e.g. IT skills that others could benefit from,</p>

mentoring and coaching in specialist areas. Use the workforce itself as a resource for the community so people can see the Council is part of the community rather than just people who sit in the Town Hall.”

“Great idea. Listening to local people, and educating staff to understand the services being delivered and why always helps. Communities are stronger when they work together, the outcomes and directions are clearer for a better future for the next generations.”

“Could this "space" be linked to libraries too?”

Finances / funding “These sound like fantastic ideas, but I am pessimistic as to whether they can be achieved within strict financial constraints.”

Communication “Communication is key - I'm sure there are lots of great people doing lots of great work but it is not always easy to find out about it or keep informed.”

## 6. Please could we take your postcode?

	Number
TQ1	44
TQ5	33
TQ2	31
TQ4	22
TQ3	18
Other areas	5

# Social Media Posts & Evaluation

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During the consultation, several social media posts were made on the Council's accounts.

Facebook posts reached 2,465 followers who engaged with the posts at total of 168 times.

Most of the comments were received via Facebook.

- I've filled in your survey but when an option is picked I highlighted all so you are not getting results
- Many people, myself included, feel extremely distant from Torbay Council, we're very much here to be ruled over and not worked with, I actually don't remember a time when there seemed to be such an obvious 'Us & Them' divide on most matters and that's a crying shame.
- The public consultation we had some time back regarding the new cycle path across roselands fields and cutting right through the heart of clennon valley lakes was a waste of time. The plans were already passed so it was just a paperwork exercise to just appease the public. All totally underhanded.
- I have been encouraged by your efforts. Good aspirations and I wish you well. Did you define any tangible outcome measures of success or have I missed them? P
- If you were listening to the residents of the bay, you would be looking at what's happened to union street and try to fix it. But you don't and you won't will you
- Have you re branded this campaign from the original how to make bame lives matter more in torbay??
- This is very good to hear and very positive. However, the proof will be in the pudding as they say.
- At least mistakes are being admitted, I won't hold my breath for people like mr Darling or Cowell to actually work with the local community anytime soon.
- What happened to the prioritising of people based on the colour of their skin.... Are Torbay Council deciding to represent everyone equally now.... The middle class Lib Dems won't be happy... Having to represent the working classes.....

As a result of the Twitter posts there were 1,193 impressions (people who saw the post) but only 12 engagements from a potential audience of 12,000 followers.

The aim of the consultation was to ensure that people were aware of the Draft Community Engagement and Empowerment Strategy, and were encouraged to feedback about the how the Council intends to meet its mission to be a Council that works in partnership with its residents, communities and partnerships, to help shape the final version of the Strategy.

In addition to the social media posts promoting the consultation, Viewpoint Panel members were encouraged to take part via email. Torbay Community Development Trust promoted the consultation through their networks and received a larger response to their "light touch" survey. In total there were 217 responses to the surveys.

# Response to Consultation - Community Engagement and Empowerment Strategy

13th January 2021

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This document can be made available in other languages and formats.  
For more information please contact [engagement@torbay.gov.uk](mailto:engagement@torbay.gov.uk)

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## Contents

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<b>Response to Engagement &amp; Empowerment Strategy Consultation.....</b>	<b>2</b>
Key messages from consultation.....	2
Taking Action .....	2
Understanding & addressing the impact of previous poor experiences .....	3
Implementing improvements across the Council in relation to our communication .....	3
Suggestions to be considered as part of the implementation plans: .....	3
Summary .....	4

# Response to Engagement & Empowerment Strategy Consultation

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When the report from the first Community Conference in 2019 recommended that the Council put in place a strategy in relation to its Engagement and Empowerment approach we knew that this was one part (of a number of recommendations, plans and ambitions) that would contribute to the goal of building stronger and more trusting relationships between the Council and the community.

Strategic planning (and the documents to support this) are important for a number of reasons including (but not limited to):

- Providing clarity, direction and focus for our Organisation and the people working within it.
- Providing a 'map' for the plans and activity required to drive the changes that support our vision of being a Council who works with their community
- Communicating our vision of how we want to engage and participate with our community members – both internally and externally.

We need the Engagement & Empowerment strategy as a long term guide to keep us focused on achieving our goals and ambitions. But we understand that in order to make the progress we aspire to, that we need the contents of the strategy to be put into action – by us.

Cultural and institutional behaviour change can take time to be fully achieved and the strategy serves as a map to communicate, keep us focused on that journey and accountable to our commitment.

## Key messages from consultation

The consultations on the strategy (undertaken by both Torbay Council and Torbay Community Development Trust) show that the majority of participants felt that the contents of the strategy were clear and that the 'asks and offers' were important. There were varying views on this (some of which will be outlined below) and we need to ensure that the feedback and concerns raised are considered and addressed through the implementation planning and activities that will come under this strategy.

Overall the feedback from the consultations does not suggest that there need to be any changes to the strategy document as it is drafted.

However there was a range of constructive feedback collected alongside some very useful suggestions on the 'how' that we want to acknowledge and ensure we include in our ongoing implementation work:

## Taking Action

From both those in favour of the outlined strategy and those with concern there was an overarching and strong message in relation to action. It is critical that the ambitions set out in this strategy are implemented – and done so with priority and consistently. Repeated statements in relation to ambitions and goals (however well meaning) are breeding apathy when they are failed

to be realised or our community feel we have not delivered on them. This needs to be a core driver and focus of the implementation plan.

- Taking account and understanding differing views, needs and priorities
- The feedback highlighted and demonstrated some of the challenges we face in successfully navigating our way forwards. There was a breadth and diversity of views in relation to engagement and this needs to be both acknowledged and incorporated into our delivery plan. Examples of this included the following views on the strategy:
- It's too detailed and complicated v's it's not detailed enough
- It's really clear v's it's not clear at all
- Its radical & exciting v's disappointment that this isn't already done.
- We want to be consulted fully on everything v's don't waste time and get the job done
- Make more use of digital/online/social media platforms v's stop using digital and have more face to face/letters/leaflets
- We want Senior officers involved v's we don't want officers involved

This leads us to understand that there is no 'one fits all' approach and that we need to ensure that throughout the organisation we have consideration of this in all of our contacts and interactions with our partners and the community. This needs to be communicated to the whole organisation.

### **Understanding & addressing the impact of previous poor experiences**

We do not underestimate the impact of poor experience on the relationship and trust people have in the Council. We know that where people have had a previous poor experience we have to work even harder to rebuild that relationship, trust and confidence. The consultation identified some specific service and development areas that we need to look into as a priority to gain a deeper understanding of where things have not worked in the past and how we can improve.

### **Implementing improvements across the Council in relation to our communication**

- Work needs to be done to improve our website and phone access.
- We need to have alternative to digital and social media communication channels.
- We need a way of updating people on implementing the changes we say we are going to make.
- Officers need to be easier to reach.
- We need to ensure people with visual impairment are engaged and consulted with outside of digital/online – this also needs to be considered in the context of other groups within the community.
- Some BAME groups do not feel they can engage with the Council – we need to explore and understand this further to inform how we address this.

### **Suggestions to be considered as part of the implementation plans:**

- Having a VCSE champion for each department in the Council to act as a named link into the Council for the Voluntary and Community groups.
- Providing a letter/written update on developments/ Council work including within the annual Council Tax bills
- Ensuring that when any consultation is undertaken we need to say how and when feedback will be received – otherwise it remains a one way process.

- Having a Young Peoples Advocate to ensure representation of Young People in Council consultations.
- Establishing a 'Customer Panel' through which Council consultations can be undertaken.

## Summary

We value the time and commitment people made to contributing and feeding back on this Strategy. It is valuable to both building our relationships and working towards our goals.

We understand that true engagement and participation is challenging and hard work but we know that it is possible and we remain committed to the ambitions outlined in the Strategy. The strategy commits us to a focus on this as an organisation. We are committed to 'trying, learning and trying again' to keep moving forward to being a Council that works in partnership and has strong trusted relationships with the community.

# Community Engagement and Empowerment Strategy

2021 - 2023



# Contents

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<b>Working Differently</b> .....	<b>4</b>
Using Torbay's Existing Networks .....	5
Torbay's Community Partnerships .....	5
Torbay's Strategic Partnership.....	5
Other Partnerships.....	5
Community and Voluntary Sector .....	6
Brixham Town Council .....	6
Torbay Council's New Approach .....	6
Recognising Other Community Groups.....	6
Our Offers and Asks.....	7
Our Offers .....	7
Our Asks .....	7
<b>Keep you informed</b> .....	<b>8</b>
Our Commitments .....	8
Our Actions.....	8
<b>Ask what you think</b> .....	<b>9</b>
Our Commitments .....	9
Our Actions.....	9
<b>Decide together</b> .....	<b>10</b>
Our Commitments .....	10
Our Actions.....	10
<b>Act together</b> .....	<b>11</b>
Our Commitments .....	11
Our Actions.....	11
<b>Support independent community initiatives</b> .....	<b>12</b>
Our Commitments .....	12
Our Actions.....	12
<b>Appendix 1: Our duties</b> .....	<b>13</b>
<b>Appendix 2: Principles for communication, consultation and engagement</b> .....	<b>14</b>

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## Working Differently

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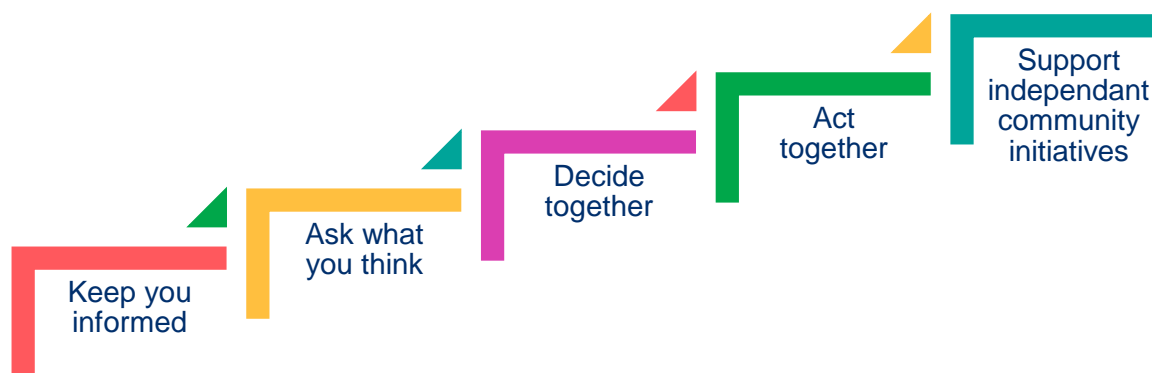
Torbay Council's mission is to be a Council that works with its residents, communities and partnerships - a council that supports, enables and empowers.

Alongside our partners in the public sector, we recognise and value the importance of a strong and vibrant voluntary sector in developing and maintaining a thriving Torbay. We also value that people and communities want to be more involved, work together, improve our relationships, and have better on-going conversations with us. In talking about Torbay's communities, we agree that the private sector are also a vital part of our community.

In order to strengthen and deepen our relationships with everyone, we commit to working differently:

- We will embrace a spirit of cooperation and partnership with the people, businesses and organisations in Torbay and those outside Torbay which affect our lives.
- We will build trusted relationships with our communities:
  - The Cabinet will talk and listen to anyone and everyone
  - Ward councillors will be community champions
  - We will facilitate and work with our communities to design and deliver services and to support one another.
- We will have continuing conversations and relationships with our communities.
- We will celebrate Torbay together.

We recognise that we have a lot of work to do but we are committed to changing how we work – moving up Torbay's ladder of participation.



In all of our work we will ensure that our approach reflects our principles:

- Enable the community
- Use reducing resources to best effect
- Reduce demand through prevention and innovation
- Integrated and joined up approach

## Using Torbay's Existing Networks

### Torbay's Community Partnerships

Torbay has a network of successful Community Partnerships which enable local people to be involved in local decision-making. The Community Partnerships provide an opportunity for people who live or work in the different parts of Torbay to discuss issues of common concern, influence the way in which services are provided and improve their local area. There are Community Partnerships for every ward in Torbay, some working in partnership with the adjacent ward, and others with more than one per ward.

The aim of the Community Partnerships is to get local people together to decide what is important to them and what needs improving in their area. They are a one-stop shop for local people to ask questions of their local Councillors, find out what is going on in their neighbourhood, or just to link up with other residents.

### Torbay's Strategic Partnership

Torbay Together is the strategic partnership for Torbay ensuring unified political, business and community leadership. Its aims are to advocate and lobby for the area, build local pride and optimism, secure infrastructure investment and position Torbay locally, nationally and internationally.

### Other Partnerships

There are a range of other partnerships already operating in Torbay, including but not limited to:

- **Safer Communities Torbay** – Torbay's Community Safety Partnership (CSP) which brings together local agencies to deliver multi-agency solutions to tackle issues such as crime, re-offending, anti-social behaviour, and substance misuse in a coordinated and collective way.
- **Children and Young People's Strategic Partnership Board** – which aims to deliver better, integrated services that maximise outcomes for all children and young people, and their families. It works to narrow the outcome gap between children who are vulnerable and/or from disadvantaged backgrounds and their peers; on addressing the causes and effects of child poverty; and on promoting effective prevention and early intervention.
- **Local Education Board** – provides a coordinated approach to improving education outcomes within our diverse education system; enabling cultures for partnerships and alliances.
- **Destination Management Group** – ensuring a joined-up approach for tourism, working in partnership for the destination with the shared vision to develop the English Riviera's visitor economy.
- **Torbay Culture** – enabling the cultural and creative development of Torbay through collaboration, making our home – the English Riviera UNESCO Global Geopark – a better place in which to live, work, learn and visit.
- **Voluntary Sector Steering Group** – Torbay Council (together with Devon County Council) and our local NHS partners want to work with the community differently and this has been progressing for some time. Phase 2 of our Model of Care talks about helping people stay well, strengthening partnerships and receiving care in the right place at the right time. The voluntary

and community sector can help us do this and are a key ingredient in developing the Model of Care.

Working on a prevention agenda collectively will allow us to work towards the best outcome for health and wellbeing of local people in order to develop our services and have an Asset Based Approach (building on the existing strengths and assets in our community) to the way we deliver care. We know that we must work together with the voluntary sector and the wider support network and services they provide.

The Voluntary and Community Sector Steering Group has been set up and has wider representation from across the sector including Healthwatch and Torbay Community Development Trust plus representation from public health, Torbay Council, Devon County Council and the NHS. The Group has enabled us to truly focus on the sector and developing the work we do with them by linking strategy and operations and sharing knowledge and experience.

## **Community and Voluntary Sector**

Sitting below these partnerships, are a vast number of groups, organisations and charities all aiming to make a positive difference to life in Torbay.

### **Brixham Town Council**

A vital link to the community in Brixham is the Town Council. Torbay Council will continue to work in partnership with the Town Council on issues within Brixham.

## **Torbay Council's New Approach**

Taking an Asset Based Community Development approach, Torbay Council wants to see our Community Partnerships at the heart of our communities – working hand-in-hand with local councillors and supported by dedicated Ward Ambassadors from across the Council's senior leadership team.

At the centre of this approach will be the Torbay Together partnership – working to ensure that all parts of the public, private, voluntary and community sector are joined up.

Together, we need to identify creative and innovative new ways of delivering effective and efficient services and providing leadership on complex, cross-cutting issues.

## **Recognising Other Community Groups**

Whilst Torbay has an established network of partnerships, we recognise that there is a multitude of other community and voluntary groups across the Bay that are not necessarily a formal part of that network. As they should, the way that these groups are established varies to suit their own needs. Some have been in place for many years, others have formed more recently.

The commitments and actions within this Strategy apply equally to how we work with the formal partnerships across Torbay as well as those other community and voluntary groups. They also apply to residents who are not part of any group – who want to take action on their own or to create new action groups.

# Our Offers and Asks

## Our Offers

We will listen to you.

We will be open about the challenges facing the Council and what we can and cannot do.

We will work together to identify the challenges within your communities – providing tools such as the Strategic Needs Assessment and the Place Standard Tool that we will balance with local knowledge and resident experience. We want to ensure that we have a strong evidence base for identifying needs, setting common priorities and responding collaboratively.

We will recognise what is strong in our communities. We will be open to ideas and always seek to understand what the community is asking for, rather than making assumptions based on existing ways of working.

We will work as One Council, and work towards One Torbay which includes all the public sector, so that communities can gain access to all public resources without duplication of effort.

We will be an organisation that our communities can trust – working together to support our communities and create a Council which is fit for the future.

## Our Asks

We would like to work directly with our residents and also through our vibrant Voluntary, Community, Social Enterprise and Business Sectors. We need to establish the best way of doing this through voluntary sector partnerships, local Community Partnerships, Neighbourhood Forums, the Business Forum and Chambers of Commerce.

For each of these partnerships we would ask that you:

- Reach out into the communities that you represent
- Share information and best practice across Torbay, encouraging learning and innovation
- Help us promote community cohesion, good community relationships and foster pride in Torbay
- Help us deliver better outcomes for local people, especially the most vulnerable in Torbay
- Help us maximise the impact of our shared budgets and resources and identify the added contribution of social value
- Support us in our efforts to attract inward investment to Torbay, in order to support the local economy and safeguard local wealth where possible through public sector procurement

We would like the Voluntary, Community, Social Enterprise and Business Sectors to work with us on delivering One Torbay: Working for all Torbay (Torbay's Community and Corporate Plan), especially in relation to:

- Creating a whole community response to make Torbay a child-friendly and age-friendly place – working together so that the people in our communities thrive
- Creating a whole community response to drive forward economic growth that is clean and inclusive – working together so that our economy thrives
- Creating a whole community response to protect our environment – working together to tackle climate change

# Keep you informed

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## Our Commitments

- We will be open and honest and timely in our communication.
- We will explain why we can and can't do things – encouraging others to work with us to deliver the things which matter to you. We will be clear about the decisions which are taken.
- We will explain our challenges, decisions and future changes in the most effective, inclusive and timely ways possible.
- We will use a range of communication methods and channels to provide information about council activities in order to signpost residents, visitors and others to the right services and, where appropriate and work together to ensure the Council's limited resources are spent in the right places.
- We will seek to develop improved communication mechanisms enabling people and communities to more easily access support, information and influence and keep more closely informed on the progress of key issues and decisions within the Council.
- We will ensure that residents who are unable to access social media receive the same information through traditional media and established community networks.

## Our Actions

- Review and improve the Council's website to make information and resources for community action more accessible, including contact information.
- Explore with Torbay Community Development Trust and other community representatives how [www.torbaytogether.org.uk/](http://www.torbaytogether.org.uk/) can be developed and expanded to take on a broader role around community engagement. Ensure that this work links to that of the Torbay Together partnership, streamlining information wherever possible.
- Maximise the effectiveness of social media – through both our own channels and through existing groups – to engage with our communities. This will include encouraging councillors and senior officers to join the conversation on social media.
- Ensure that communication between council departments is effective with a shared overall message.

# Ask what you think

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## Our Commitments

- Communication will be two way. We will listen, understand, remember, evaluate and feedback to stakeholders the actions we have taken.
- We will provide clear, regular and reliable information which will provide you with the opportunity to play an active role in influencing decisions and shaping the future of services.
- We will engage with our communities and stakeholders in a timely way so they are informed and are able to have their say on local decisions and when we can't do this we will be clear and transparent as to why.
- We will ensure that our consultation is based on a genuine exchange of views, with the objective of influencing decisions, policies or programmes of action. It will involve:
  - Listening and learning from local people, communities and other stakeholders.
  - Seeking to involve local people, communities, businesses, voluntary sector organisations and other organisations in important decisions which have an impact on them.
  - Seeking opinions on options before a decision is reached.
  - Passing out information and receiving comments.
- In providing feedback to our communities, we will explain how we have taken into account community views, including if we have not been able to take everyone's views on board in the final decision.

## Our Actions

- Agree a Community Engagement and Consultation Programme at the start of each Municipal Year. The programme will include targeted activity aimed at involving and connecting with those groups and geographical communities less likely to engage with the Council.
- The Cabinet will hold at least three Cabinet Conversations each year and will host an annual Community Conference. These will each feature a "You Said, We Did" session.
- There will be regular Ask Us events – either online or in venues across Torbay.



# Decide together

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## Our Commitments

- We will ensure that our communities and stakeholders are involved in the decision making process and are given the opportunity to help find solutions through high quality, appropriately targeted consultation and engagement.
- We will ensure that people are given the opportunity to play an active role by shaping the future of services which may affect them and identifying any changes which may be required to local services.
- We will be realistic about our limitations and the need for the council to use reducing resources to best effect.
- We will develop and sustain a relationship with the community in order for us to understand and act together to address the needs of that the community and to work towards a common vision.

## Our Actions

- Involve communities and organisations earlier in the service planning process in order to ensure that activities are based on a shared understanding of community needs and issues.
- Increase opportunities for co-production – developing systems that enable communities and organisations to be equal partners in designing and commissioning public services and in determining the use of public resources.
- Provide feedback to communities and organisations outlining how their contributions have influenced decisions made by the Council and what has changed or improved as a result.
- Encourage communities to take responsibility for outcomes themselves and help develop different models for service delivery
- Work to remove barriers to help aspiring groups and individuals.

## Our Commitments

- We will engage, encourage and support our communities and stakeholders in order to bring about positive change for the good of the whole community.
- We will work together to give people a better sense of ownership of the services and activities available to them.
- We will use an integrated and joined up approach, both within the council and with our partners, to achieve value for money, to avoid consultation fatigue and to ensure messages are consistent.

## Our Actions

- Provide support to ward councillors in their community leadership role through the appointment of Ward Ambassadors who can act as a single point of contact to help deliver local solutions.
- Work to engage young people in the work of the Council and community groups. This will be progressed through the Children and Young People's Partnership Board and the Imagine This partnership.
- Work to develop stronger relationships between schools, colleges and their local communities using the Local Education Board as a facilitator.
- Work with sports clubs and groups (including Torquay United) to further build their engagement with the community, especially young people.
- Strengthen the connections between housing providers, relevant agencies and community groups, building on the work already undertaken to ensure positive relationship with Registered Housing Providers.
- Support and encourage community weekends, festivals and other events.
- Support capacity building for key community groups, to include training.
- Develop a community engagement protocol/framework to use in designing and developing new projects and seeking funding – ensuring the community is involved from the start.
- Develop a protocol or guidance for contractors around engagement with communities.

# Support independent community initiatives

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## Our Commitments

- We will offer community-based initiatives support to become as effective as possible.
- We will minimise barriers for community service delivery whilst maintaining our duty of care and legal requirements.

## Our Actions

- Work to establish a “space” – potentially as part of **www.torbaytogether.org.uk** – to celebrate and showcase success and good practice in community engagement, highlighting in particular good “teamwork” between the Council and communities. Use this platform to connect like-minded individuals who want to work in partnership to achieve specific outcomes in their neighbourhoods. Actively seek individuals and groups to undertake and/or participate in environmental, coastal, open space and heritage improvements.
- Empower our staff to be more flexible and responsive in engaging with the public and communities. Commission a training programme for staff and Councillors around community engagement and working with community groups and volunteers.
- Establish a Community Enablement Fund to provide seed funding for community action
- Work with the Torbay Community Development Trust (TDCT), Torbay’s Community Builders and others to enable community action and the engagement of those who do not normally participate locally.
- Lend support to partners, including the TCDT and the Integrated Care Organisation, to jointly develop and implement a volunteer strategy for Torbay.
- Explore options to expand the Council’s Leave Arrangements Policy to cover and encourage volunteering in order that Council officers can make available and share their expertise with community groups.
- Improve the awareness of support available to community groups and social enterprises.

## Appendix 1: Our duties

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**The duty to inform, consult or involve** is set out within the Local Government Act 1999 and Local Government and Public Involvement in Health Act 2007.

In exercising the general duty under the Local Government Act 1998, local authorities must 'make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness'

In deciding how to fulfil the general duty the local authority must have 'due regard' for any guidance issued by the Secretary of State and should consult with the following:

- Any person or representatives who are liable to pay any tax, precept or levy in respect of the authority.
- Any person or representatives who are liable to pay non-domestic rates in respect of any area within which the authority carries out functions.
- Any person or representatives who use or are likely to use services provided by the authority.
- Any person or representatives appearing to the authority to have any interest in any area within which the authority carries out functions.

The Government's **Code of Recommended Practice on Local Authority Publicity** provides guidance on the content, style, distribution and cost of local authority publicity.

It states that publicity by local authorities should be based on the following seven principles:

- Lawful – It will comply with the Advertising Standards Authority's Advertising Codes.
- Cost effective – It will provide value for money.
- Objective – It will be politically impartial.
- Even-handed – It can address matters of political controversy in a fair manner, but the publicity will not affect support for a single councillor or group.
- Appropriate – refrain from retaining the services of lobbyists. The frequency of any council newsletters should be no more than quarterly.
- Have regard to equality and diversity – Publicity to positively influence public behaviour and attitudes in relation to issues such as safety and health can be used.
- Issued with care during periods of heightened sensitivity (such as elections and referendums).

## Appendix 2: Principles for communication, consultation and engagement

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To ensure Torbay Council meets its duties as well as the aims and objectives within this Strategy, all communication, consultation and engagement activity will be developed in line with the following guiding principles:

**Clear and concise:** We will use plain English and avoid jargon and acronyms in all our communications to ensure messages and purposes are clear, understandable and accessible. When consulting we will only ask questions which are necessary and easy to understand.

**Purpose:** All our activity will have a clear and defined purpose, linked to our Community and Corporate Plan. We will only consult or carry out marketing and public relations activity if there is an identified objective. Consultation and engagement will be used to influence local decision making.

**Timely:** All communication, consultation and engagement activity will, when possible, be planned in advance so consistent messages can be used at the right time, in the right way with the right people. We will openly inform, engage, discuss and consult with stakeholders at the earliest possible opportunity, ideally when proposals are being developed or when information is confirmed and becomes available. Due consideration will be given on the lead up to any elections or referendums to whether it is appropriate to launch new campaigns and consultation or engagement activity.

**Proportionate timescales:** The length of time for consultation and engagement activity will be judged against the nature and impact of the proposal / issue being consulted upon. We will ensure that sufficient time is given for respondents to consider any information provided and that there is sufficient time for them to provide an informed response.

**Targeted:** We will ensure that all our communications and consultations are targeted at the right stakeholder groups so they are effective and use resources in the best possible way. Where proposals, events or services affect specific individuals or groups, these stakeholders will be made aware of the activity so they can find out more, have their say or become involved. Consultation activity, in particular, will be tailored to meet the needs and preferences of different groups of people across Torbay, ensuring accessibility for all.

**Relevant information:** We will provide enough information, or signpost stakeholders to where they can obtain more information, to ensure that informed choices can be made. This could include how to access a particular service or how to resolve an issue. It could also relate to specific proposals and include information about how the options have been considered and details of any assessments of costs, benefits and impacts which have been carried out.

**Feedback:** We will ensure that any internal or external feedback will be conscientiously taken into account and will be considered in any final decision making. With regard to consultations, the results will be used to inform the development of relevant impact assessments. We will publish the

results of consultation and engagement activity within eight weeks of the activity, stating how many responses were received and how they have been used in formulating the recommendation.

**Forward thinking:** We will actively explore and assess how we can best use new technology and other new communication channels to reach and engage as many people as possible.

**Corporate identity and style guidelines:** All communications involving the council will meet our corporate identity guidelines. This is to protect the brand identity, to maintain the council's professional image and to ensure all council activity is consistent and accountable. This includes use of the Torbay Council logo, images and our house presentation style.

**Partnership agreements:** As we embrace a stronger integrated and joined up approach it is important that all partners agree in advance how any partnership activity will be carried out and communicated. This is to ensure there are consistent messages and that all communication and engagement protocols and corporate identity guidelines are met.

**Responsibility:** We acknowledge that communication is a two way process and is the responsibility of everyone. Council employees, elected members and all stakeholders have a role to play in open, timely and effective communication, consultation and engagement with each other.

**Monitoring and evaluation:** Given the important emphasis on using our resources to best effect, the way in which we communicate, consult and engage should be inclusive and effective. Monitoring and evaluating activity, where possible, will identify if we have met defined goals, areas that need exploring further and activity which can be improved.



**Meeting: Cabinet/Council**

**Date: 25th February 2021**

**Wards Affected: All wards in Torbay**

**Report Title:** Torbay Council Annual Pay Policy Statement including Gender Pay Gap Report and Review of Pensions Discretions

**Cabinet Member Contact Details:** Christine Carter, Cabinet Member for Corporate and Community Services, (01803) 207087, [Christine.Carter@torbay.gov.uk](mailto:Christine.Carter@torbay.gov.uk)

**Director/Assistant Director Contact Details:** Anne-Marie Bond, Interim Chief Executive, (01803) 207160, [Anne-marie.bond@torbay.gov.uk](mailto:Anne-marie.bond@torbay.gov.uk)

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### **1. Purpose of Report**

- 1.1 Section 38 (1) of the Localism Act 2011 requires English and Welsh Authorities to produce a pay policy statement for each financial year. This is a statutory requirement, and the pay policy statement must be approved formally by Full Council. The pay policy statement draws together the Council's overarching policies on pay and conditions and will be published on the Council's Website.
- 1.2 The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 requires the Council to publish our gender pay gap data and provide a written statement on our public-facing website and report our data to Government.
- 1.3 Under the current Pensions Regulations, Torbay Council is able to exercise a range of discretions in regard to how the Local Government Pension Scheme (LGPS) is applied to its employees who are members of the Scheme.

### **2. Reason for Proposal and its benefits**

- 2.1 The Annual Pay Policy Statement 2020/21 must be approved by the Council in order for the Council to be compliant with Section 38 (1) of the Localism Act 2011.
- 2.2 The Gender Pay Gap Report contains information which ensures that the Council is compliant with Gender Pay Reporting requirements under the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.
- 2.3 The Employers Pensions Discretions must be reviewed and approved by Council annually in line with the LGPS regulations.

### **3. Recommendation(s) / Proposed Decision**

- 3.1 That Council be recommended to approve:



- the Torbay Council Annual Pay Policy Statement 2021/22 as set out in Appendix 1 to the submitted report be approved for publication.
- the Torbay Council Gender Pay Gap Report, contained within the Annual Pay Policy Statement 2021/22 in Appendix 1 be approved for publication.
- the Employers Pensions Discretions set out in Appendix 2 to the submitted report be approved for publication.

## **Appendices**

Appendix 1: Torbay Council Pay Policy Statement and Gender Pay Gap Report 2021/22

Appendix 2: Torbay Council Pension Discretions

## **Background Documents**

Copies of Torbay Councils associated Pay Policies will be made available upon request. All current policies are held on the Council's MyView system:-

<https://myview.torbay.gov.uk/dashboard/dashboard-ui/index.html#/landing>

The following documents/files were used to compile this report:-

Localism Act Pay Policy Guidance from the Local Government Association

<http://www.local.gov.uk/localism-act>

Gender Pay Gap Reporting guidance from GOV.UK and Acas:-

<https://www.gov.uk/guidance/gender-pay-gap-reporting-make-your-calculations>

[https://archive.acas.org.uk/media/4764/Managing-gender-pay-reporting/pdf/Managing\\_gender\\_pay\\_reporting\\_07.02.19.pdf](https://archive.acas.org.uk/media/4764/Managing-gender-pay-reporting/pdf/Managing_gender_pay_reporting_07.02.19.pdf)

## **Supporting Information**

### **1. Introduction**

- 1.1 The publication of the Annual Salary Statement is a statutory requirement under Section 38 (1) of the Localism Act 2011. If Council does not approve the Salary Statement then the Council will be in breach of the legislation.
- 1.2 The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 requires all local authorities and other public, private and voluntary sector organisations to publish their gender pay gap data. They must also publish a written statement on their public website and Government website using the gender pay gap reporting service.

See Annual Pay Policy Statement, Appendix 1, for full details.

- 1.3 Under the current Pensions Regulations, Torbay Council is able to exercise a range of discretions in regard to how the Local Government Pension Scheme (LGPS) is applied to its employees who are members of the Scheme. The Employers Pensions Discretions must be reviewed and approved by Council annually in line with the LGPS regulations.

See Pensions Discretions, Appendix 2, for full details of the existing and recommended discretions.

### **2. Options under consideration**

- 2.1 There are no options to be considered in regard to the publication of the Pay Policy Statement including the publication of Gender Pay Gap information as these are statutory requirements under Section 38 (1) of the Localism Act 2011 and The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.
- 2.2 There are no options to be considered in regard to the publication of the Pay Policy Statement as it is a Statutory requirement of Section 38 (1) of the Localism Act 2011.
- 2.3 The Employers Pensions Discretions were last approved by Council in February 2020. Although there are no changes proposed, Council are required to approve these discretions on an annual basis.

### **3. Financial Opportunities and Implications**

- 3.1 There are no financial opportunities. The implications are in relation to financial penalties that the Council could face for non-compliance, for example, under equal pay legislation.

## **4. Legal Implications**

- 4.1 The Council would be in breach of its statutory obligation if it does not publish its Annual Pay Policy Statement and Gender Pay Gap information in accordance with the Localism Act 2011 and The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.
- 4.2 The Pay Policy Statement and associated pay policies set out the processes and procedures by which the Council pays its staff. These practices are in accordance with the Equality Act 2010 and associated employment law and so must be complied with.

## **5. Engagement and Consultation**

- 5.1 Trade Unions representing staff within Torbay Council and its' Schools will be consulted at Joint Consultative meetings.

## **6. Purchasing or Hiring of Goods and/or Services**

- 6.1 There are no associated services or goods that need to be purchased or hired under these proposals.

## **7. Tackling Climate Change**

- 7.1 There are no climate change implications associated with these proposals.

## **8. Associated Risks**

- 8.1 Non-Compliance with Section 38 (1) of Localism Act 2011, The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, see above. It is currently not determined as to whether there would be a financial penalty for non-compliance with the Localism Act however, under employment law non-compliance could result in heavy penalties for the Council (e.g. Equal pay and discrimination claims).
- 8.2 In regard to non-compliance with Gender Pay Gap Reporting, this is included in the explanatory note to the Regulations that states that failure to comply with the duty will constitute an "unlawful act" within the meaning of s.34 of the Equality Act 2006, which empowers the Equality and Human Rights Commission (EHRC) to take enforcement action.
- 8.3 In addition to the risk of enforcement action by the EHRC, the Council should also consider the potential damage to their reputation of non-compliance with the gender pay gap reporting duty.

## Equality Impacts

9.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people			Employers Pensions Discretions affecting employees who are 55 years and above. A neutral impact as the proposal is that the discretions will not change since they were last reviewed in 2020.
	People with caring Responsibilities			
	People with a disability			
	Women or men	An Equality Impact Assessment was undertaken for the Council's Pay and Grading structure in 2019 – this indicates that men and women are both positively impacted by the new pay and grading structure.		
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			
	Religion or belief (including lack of belief)			

# TORBAY COUNCIL

People who are lesbian, gay or bisexual			
People who are transgendered			
People who are in a marriage or civil partnership			
Women who are pregnant / on maternity leave			
Socio-economic impacts (Including impact on child poverty issues and deprivation)			
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)		Neutral, no public health impact identified as a result of proposals.
<b>10. Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)			



# Annual Pay Policy Statement 2021-22

January 2021

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This document can be made available in other languages and formats.  
For more information please contact [hrpolicy@torbay.gov.uk](mailto:hrpolicy@torbay.gov.uk)

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## 1. Purpose and Scope

- 1.1 Section 38 (1) of the Localism Act 2011 requires the Council to prepare an Annual Pay Policy Statement.
- 1.2 Supplementary guidance was published in February 2013 – “Openness and Accountability in Local Pay: Supplementary Guidance”. Due regard has been given to that guidance in preparation of this policy.
- 1.3 In dealing with staff pay it is the Council’s strategy to ensure that our Pay Policy facilitates the recruitment and retention of staff with the skills and capabilities the Council needs.
- 1.4 Arrangements for staff pay must comply with Equal Pay legislation.
- 1.5 Senior Officers – these are posts with specific responsibility such as Section 151 Officer and/or where the salary is above £50,000
- 1.6 This Pay Policy Statement is a supplement to Torbay Council’s overarching Pay and associated policies which form part of the terms and conditions of employees. These include but are not limited to:-
  - Torbay Council Pay Policy
  - Job Evaluation Scheme Policies (Greater London Provincial Councils Job Evaluation Scheme).
  - NJC Terms and Conditions of Employment (Green Book)

- JNC Terms and Conditions for Chief Executives
- JNC Terms and Conditions for Chief Officers (Directors within Torbay Council are appointed to these Terms and Conditions).
- NHS Terms and Conditions
- Torbay Council Local Government Pension Scheme Policy Discretions
- Employment of Apprentices Policy
- Re-Evaluation Policy
- Temporary Acting Up Policy
- Temporary Additional Duties Policy
- Expenses Policy
- Market Supplement Policy
- Market Forces Policy
- Staff Travel Plan
- Key Skills Retention policy
- Key Skills Golden Hello Scheme
- Key Skills Student Loans Allowance Scheme
- Flexible Retirement
- Retirement and Long Service Award
- Re-organisation and Redundancy Policy

1.7 Guidance from the Secretary of State makes reference to the Hutton Review of Fair Pay. This indicated that the most appropriate metric for pay dispersion is the multiple of Chief Executive pay to median salary. Tracking this multiple will allow the Council to ensure that public services are accountable for the relationship between top pay and that paid to the wider workforce. This annual pay policy statement will publish this multiple along with the following information:

The level of salary for each of the Officers as defined in 1.5 above;

The salary of the lowest paid employee - this information can be found in Appendix 1 of this policy.

## **2. Arrangements for officer pay**

2.1 The general terms and conditions of employment are governed by the following national agreements:

- Chief Executive/Head of Paid Service - JNC for Chief Executives of Local Authorities
- Directors and Assistant Directors - JNC for Chief Officers of Local Authorities



- Senior Officers - NJC for Local Government Services
- Educational Advisors and Inspectors/ Educational Psychologists – Soulbury Pay and Conditions
- All other Employee Groups – NJC for Local Government Services
- Public Health – NHS Terms and Conditions of Service (for employees who have transferred under TUPE)

2.2 The Council uses two forms of Job Evaluation to identify officer pay. This is either through the Council’s GLPC Job Evaluation Scheme or the Hay Evaluation Scheme. The Hay Evaluation scheme produces both a Know How Score and a total points score for each post evaluated. Torbay Council pays salary (with a pay band of 4 spinal points) on the basis of the Know How Score only (not the final points score). Know-How is the sum of every kind of knowledge, skill and experience required for standard acceptable job performance.

2.3 The Hay Job Evaluation scheme is used to evaluate the following roles within the Council:-

- Chief Executive/Head of Paid Service
- Directors and Assistant Directors
- Senior Officers

All Grade N and O roles are evaluated under GLPC and Hay (this is due to the cross over point of the two schemes).

Public Health posts are evaluated on the Council’s GLPC Job Evaluation Scheme. Public Health posts can also be evaluated using the “Agenda for Change” job evaluation scheme in order to provide Market Forces information.

All other posts within the Council are evaluated under the Torbay Council GLPC evaluation scheme in accordance with the agreed policies.

2.4 A review of Hay salary data was purchased in 2018 and salaries were reviewed in line with this and with South-West public and private sector data. This salary information, together with corresponding job descriptions, is available from the Council’s internet page, link as follows:- <http://www.torbay.gov.uk/council/finance/salary-levels/>

2.5 In determining the salary for the Chief Executive/Head of Paid Service within the Council, and in the absence of appropriate data from Hay, the Council will take advice from the Head of Human Resources and the Director, Corporate Services.. In such a scenario independent advice will be sought from South West Councils (HR and Employment Services) and other professional organisations to advise the Council as to the appropriate level of remuneration to be awarded.

- 2.6 The Chief Executive under the general scheme of delegation within the Council will determine the terms and conditions of employment of all officers. Advice will be sought from the Head of Human Resources and Director, Corporate Services as required.
- 2.7 Following significant changes in duties, any post can be re-evaluated. The evaluation will be based on a Job Evaluation Questionnaire which will be assessed by an independent panel of Job Evaluation trained assessors. External advice and benchmarking will also be undertaken if necessary to ensure that market conditions are taken into account for pay and grading.
- 2.8 Salary increases in relation to cost of living will be applied to all posts according to the awards made by the appropriate National Joint Council as described in paragraph 2.1.

The Council's pay and grading structure is available from the Council's website :-  
<https://www.torbay.gov.uk/council/jobs/what-we-offer/salary-and-grades/>

- 2.9 No additional payments are made in respect of:
- Bonus payments or Performance payments to the Senior Officers defined in 1.5, unless where given as a result of protections under TUPE e.g. Director of Public Health whose protected medical terms and conditions include access to additional NHS allowances in regard to Clinical Excellence and on-call duties, details can be found on the NHS Employers webpage as follows: - <https://www.nhsemployers.org/-/media/Employers/Documents/Pay-and-reward/Junior-Doctors/FINAL-Pay-and-Conditions-Circular-MD-12017-MARCH-2018.pdf>
  - Additional enhancements are paid to NJC Employees who are employed on SCP 23 or below of the Torbay Council Salary Scale. These enhancements were varied in accordance with a Collective Agreement with our Trades Unions, dated 13th December 2016.
- 2.10 Additional payments are made to any Council Officers who act as Returning Officers, Deputy Returning Officers and those who carry out specific duties at elections. These payments are calculated according to the approved scale or set by a government department depending on the nature of the election. This is treated as a separate employment as and when required.
- 2.11 In comparing the Chief Executive/Head of Paid Service pay with the wider workforce the Council will use the following definitions:
- The lowest-paid employee: the employee or group of employees with the lowest salary (full-time equivalent) employed by the Council at the date of assessment.

- The median: the mid-point salary when full-time equivalent salaries are arranged in order of size (highest to lowest). Based on salary levels of staff on the date of assessment.

This excludes those employed on casual contracts of employment, but includes part time employees where their salaries are normalised to the full-time equivalent. It also excludes Apprentices who are employed on the Torbay Council apprentice pay grade.

### 3. Pensions contributions and other terms and conditions

- 3.1 All staff who are members of the Local Government Pension Scheme make employee contributions to the scheme in accordance with the following LGPS contributions table. However, these figures represent the 2020/21 contribution rates and bandings which could be subject to change and have not yet been confirmed for 2021/22.

Band	Salary Range	Contribution Rate	Contribution Rate
1	£0 To £14,600	5.50%	2.75%
2	£14,601 To £22,800	5.80%	2.90%
3	£22,801 To £37,100	6.50%	3.25%
4	£37,101 To £46,900	6.80%	3.40%
5	£46,901 To £65,600	8.50%	4.25%
6	£65,601 To £93,000	9.90%	4.95%
7	£93,001 To £109,500	10.5%	5.25%
8	£109,501 To £164,200	11.4%	5.70%
9	£164,201 or more	12.5%	6.25%

- 3.2 The employer pension contribution rate is: 16.70% for Core Council and 18.50% for Schools based staff which has been set from 1<sup>st</sup> April 2020.
- 3.3 All employees are currently able to apply for a Car Parking permit, which enables employees to park on Council property for a reduced daily rate.

#### **4. Termination payments - Chief Officers**

- 4.1 The Council's approach to statutory and discretionary payments on termination of employment of Chief Officers, at retirement age or prior to this, is set out within its Redundancy policy and is in accordance with Regulation 5 of the Local Government (Early termination of Employment) (Discretionary Compensation) Regulations 2006 and Regulations 8 and 10 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007. Final payment details are submitted to Full Council for approval.

The Restriction of Public Sector Exit Payment Regulations came into force on 4<sup>th</sup> November 2020 and will therefore apply to any exit payments made by the Council of £95K and above.

#### **5. Salary packages upon appointment**

- 5.1 Any salary package offered in respect of a new appointment for a Chief Executive /Head of Paid Service will be approved by Full Council. This will include any new salary package equating to £100,000 or more.
- 5.2 In the case of salary packages for Directors and Assistant Directors, this will need to be approved by the Council's Employment Committee, acting on behalf of Full Council. This will include any salary package equating to £100,000 or more

#### **6. Settlement agreements**

- 6.1 Torbay Council will only enter into Settlement Agreements in exceptional circumstances where it is in the Council's overall commercial and financial interests to do so. Any Settlement Agreement for the Chief Executive/Head of Paid Service will be approved by the Full Council. This will include any severance package including associated pension costs equating to £100,000 or more.
- 6.2 In the case of Settlement Agreements for Directors and Assistant Directors, this will need to be approved by the Council's Employment Committee acting on behalf of full Council. This will include any severance package including associated pension costs equating to £100,000 or more.
- 6.3 Settlement Agreements for any other member of staff will need to be authorised by the Director of the service following consultation with the Chief Executive/Head of Paid Service.

## 7. Gender pay gap reporting

The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 requires Torbay Council to calculate and publish the pay gap between male and female employees every year. Pay data must be based on a 'snap-shot' of the pay situation as at 31st March the preceding year and must be published by 30th March 2021 to the Government and also on Torbay Council's website:- <https://www.torbay.gov.uk/council/finance/salary-levels/>

The Government publishes the results on their Gender Pay Gap Viewing Service:- <https://gender-pay-gap.service.gov.uk/>

The Pay Gap Report is included as part of this policy, see Appendix 2 – Gender Pay Gap Report.

## 8. Publication

- 8.1 Once approved by Full Council, this Policy and any subsequent amendment will be published on the Council's website. Human Resources Policy will be responsible for the annual review to ensure an accurate pay policy is published ahead of each financial year.
- 8.2 In accordance with the Code of Practice on Local Authority Accounting, the annual Statement of Accounts includes pay details of Senior Officers reporting directly to the Chief Executive/Head of Paid Service and statutory posts where the salary is above £50,000 per annum.
- 8.3 Full Council decisions in relation to staff pay matters are available from the Council's internet page, link as follows:  
<http://www.torbay.gov.uk/DemocraticServices/ieDocHome.aspx>

## Current Salary Levels for Chief Executive/Head of Paid Service, Directors and other Senior Officers

Torbay Council publishes a Salary Levels list with post details, salary bands and full-time equivalent salaries, available from Torbay Council's web-site:- <http://www.torbay.gov.uk/council/finance/salary-levels/>

## Equality Statement

This policy applies equally to all Council employees regardless of their age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, marriage

and civil partnership. Care will be taken to ensure that no traditionally excluded groups are adversely impacted in implementing this policy. Monitoring will take place to ensure compliance and fairness.

## Appendix 1 - Multipliers

The idea of publishing the ratio of the pay of an organisation’s top salary to that of its median salary has been recommended in order to support the principles of Fair Pay and transparency. These multipliers will be monitored each year within the Pay Policy Statement.

In comparing the highest paid salary with the wider workforce the Council will use the following definitions:-

- The lowest-paid employee: the employee or group of employees with the lowest rate of pay (full-time equivalent) employed by the Council at the date of assessment. This includes all types of employment within the Council.
- The median: the mid-point salary when full-time equivalent salaries of all core council staff are arranged in order of size (highest to lowest). Based on the salary levels of staff on the date of assessment. This includes all types of employment within the Council.

The Council’s current ratio in this respect is 5.29:1, i.e. the highest salary earns 5.29:1 times more than the Council’s median salary. The lowest full time equivalent salary is £17,842 which is Point 6, Grade A. When measured against the lowest salary the ratio is 7.87:1.

Date of assessment: December 2020.

	Annual Salary	Ratio to Highest
Highest Salary	Within the banding £139,999 - £145,000	
Median (Mid-point) value	£26,511	5.29:1
Lowest full time salary	£17,842	7.87:1

There has been a positive change in the figures since the 2020/21 Annual Pay Policy Statement was published which reflects a more balanced pay difference between the highest salary and the median and lowest salaries. This is due to a reduction in headcount, involving staff across various different pay grades coupled with pay rises nationally that have increased the value of the lower pay grades in particular.

## Appendix 2 – Gender Pay Gap Report

This report is provided in compliance with the 'The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017' which came into force on 31st March 2017.

### Scope

This report covers all employees of Torbay Council including all staff permanently and temporarily employed on the reporting 'snapshot date' (31st March 2020). This includes those on casual contracts that worked during the pay period ending 31st March 2020.

In accordance with the Regulations, employees of Torbay Council's maintained schools\* are treated as being employed by the governing body of the school and not as Council employees. Consequently, employees in maintained schools have been excluded from the Council's gender pay calculations. The duty to report GPG information applies to organisations with 250 or more employees. None of Torbay Council's maintained schools individually exceed this figure and so will not need to make a submission. In the case of schools who are part of a multi-academy trust and which may collectively exceed 250 employees, they will be required to report their gender pay information as the employer and take advice as appropriate.

\* Maintained schools are regarded as foundation, community, voluntary, nursery or special schools. (<https://www.gov.uk/guidance/gender-pay-gap-reporting-overview>)

### Definition of Pay

Under the regulations, and therefore in this report, 'pay' includes: basic pay, paid leave (including annual leave, sick leave, maternity, paternity, adoption and parental leave (except where an employee is paid less than usual because of being on leave)), allowances, shift premium pay and bonus pay. 'Pay' does not include: overtime pay, expenses, the value of salary sacrifice schemes (however the reduction to salary is included), benefits in kind, redundancy pay and tax credits.

## Gender pay gap and equal pay

The gender pay gap is defined as the difference between the pay of men and women. While there are many ways of presenting this data, under the regulations and in this report there are only two measures: median hourly pay and mean hourly pay. Each is represented as the percentage of the difference with men's pay being the divisor. Therefore, where men are paid more than women, the pay gap will be 'positive' (i.e. with a 3% pay gap women earn 97p for every £1 a man earns). Negative pay gaps are represented as minus percentages (i.e. with a negative pay gap of minus 3% women earn £1.03 for every £1 a man earns). Gender pay gap is not about men and women being paid differently for the same job which has been prohibited by equal pay legislation since 1975. Even with this legislation, historically certain occupations have attracted greater pay due to the value placed on typical masculine and feminine skills.

To comply with equal pay legislation, we operate a recognised job evaluation scheme which covers all posts within the Council. This is supported by periodic pay data reviews to ensure that our pay structure remains transparent and free from gender bias. The Council seeks external advice on JE where required and regularly benchmarks against market data.

## Defining pay gaps

A gender pay gap of less than +/- five percent is considered to be acceptable as defined by the Equality and Human Rights Commission's Equal Pay Toolkit. All gender pay gaps of three percent or more are subject to further analysis to identify the main causes and contributory factors of any pay differences.

A positive pay gap indicates that men are paid more, a negative pay gap indicates that women are paid more.

## Analysing pay gaps

In regard to Gender Pay Gap Reporting, both the mean and median figures have to be reported, however, the median is referred to, to highlight the overall gender pay gap as it is more representative of the average earnings of a typical person (Annual Survey of Hours and Earnings, 2017:5). Significant pay gaps can often be explained by length of service, market factors, pay protection and/or progression.

## Findings

The following summary has been prepared in line with the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 which requires public sector employers to publish specific details of their gender pay, as follows:-



- Median gender pay gap in hourly pay.
- Mean bonus gender pay gap.
- Median bonus gender pay gap.
- Proportion of males and females receiving a bonus payment.
- Proportion of males and females in each pay quartile.

**The difference between the average (mean and median) hourly rate of pay for male and female employees**

1. The mean pay for women is £15.47 per hour and mean pay for men is £15.26 per hour. Therefore the mean gender pay gap -1.3%.

2. The median pay for women is £14.95 and the median pay for men is £14.53 per hour. Therefore the median gender pay gap is -2.8%.

**The difference between the average (mean and median) bonuses paid to male and female employees over the period of 12 months ending with the snapshot date of 31st March 2020.**

3. No bonuses were paid to employees during this period.

**The proportion of male employees, and of female employees, who were paid bonuses during the period of 12 months ending with the snapshot date of 31st March 2020.**

4. No bonuses were paid to employees during this period.

**5. The proportions of male and female employees in each quartile of the pay distribution – to be supplied**

Quartile	Posts	Men (Count)	Men ( % )	Women (Count)	Women ( % )
A - Lower (0-25%)	243	57	23.46%	186	76.54%
B - Lower Middle (25-50%)	243	76	31.28%	167	68.72%
C - Upper Middle (50-75%)	243	87	35.80%	156	64.20%
D - Upper (75-100%)	243	99	40.74%	144	59.26%
<b>Total Posts</b>	<b>972</b>	<b>319</b>	<b>32.82%</b>	<b>653</b>	<b>67.18%</b>

## Findings

Torbay Council employed 972 employees on 31st March 2020, as a headcount figure. This figure does not include our School employees.

The previous Gender Pay Gap Report highlighted a -1.06% mean gap in favour of women and a -0.9% median gap in favour of women, however this years' figure shows the gap to be -1.3% mean gap and a -2.8% median gap in favour of women, therefore highlights a slightly larger gap between men and women's pay than last year. Although there is still a minimal pay gap in favour of women, this can be attributed to the slight increase in the number of women in the Council's workforce who occupy managerial and senior managerial roles and who predominantly occupy job roles in the upper quartile.

The Council's gender pay gap position remains well below the public and private sector averages.

The mean gender pay gap for the whole economy (according to the 2020 Office for National Statistics (ONS) Annual Survey of Hours and Earnings (ASHE) figures) is 14.6% and 14.5% for the public sector.

The median gender pay gap for the whole economy (according to the 2020 ONS ASHE figures) is 15.5% and 15.8% for the public sector:-

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/annualsurveyofhoursandearningsashegenderpaygaptables>

The Council introduced a new pay and grading structure in April 2019 and a full equality impact assessment was undertaken to assess any adverse impact upon certain groups, including a gender analysis. This has since been reviewed and changes to the Council's job evaluation conventions have further been consulted on with Trades Unions to ensure that evaluation of any new and existing jobs continues to be fair and equitable. .

In addition to this, the following proposals are put forward to review and minimise any pay gaps going forward:-

- Review gender pay gap to explore the root causes contributing to any pay gaps and actions required to reduce the gap.
- Introduce strategic workforce planning that will support the fairness and equity of pay and development of all employees.
- Further work to review our pay and grading structure to ensure that it remains transparent and free from gender bias.
- Market Forces and Market Supplement process has been reviewed (January 2021), however, we will continue to review the criteria and the appropriateness of these processes to ensure they reflect market conditions.
- Review of Recruitment Strategy and associated policy and processes to ensure that the Council continues to attract and retain a diverse workforce.
- Regular Audits of Job Evaluations Grading outcomes to ensure consistency, fairness and equality of approach and compliance to scheme.
- Implement consistent monitoring of internal promotions and progressions by gender.
- Continue to utilise staff development and talent management opportunities (e.g. through the management development programme, appraisals and apprenticeships).
- Continue monitoring the impact of restructures on staff with protected characteristics such as gender.
- The above listed proposals may also be applied to other protected characteristics such as age, disability and ethnicity.

Signed by:-

Print Name and Job Title:-

Date:-

## Sources of Information:-

### Equality and Human Rights Commission:-

<https://www.equalityhumanrights.com/sites/default/files/research-report-109-the-gender-pay-gap.pdf>

### ACAS:-

[https://archive.acas.org.uk/media/4764/Managing-gender-pay-reporting/pdf/Managing\\_gender\\_pay\\_reporting\\_07.02.19.pdf](https://archive.acas.org.uk/media/4764/Managing-gender-pay-reporting/pdf/Managing_gender_pay_reporting_07.02.19.pdf)

### Office for National Statistics:-

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/annualsurveyofhoursandearnings/2017provisionaland2016revisedresults>

<https://www.ons.gov.uk/releases/understandingthegenderpaygap>

## Policy Feedback and History

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Should you have any comments regarding this policy, please address them to the HR Policy

Feedback mailbox –

[HRpolicy@torbay.gov.uk](mailto:HRpolicy@torbay.gov.uk)

### History of Policy Changes

This policy was first agreed by members of the Torbay Joint Consultative Committee in March 2012

Date	Page	Details of Change	Agreed by:
November 2012	Various	Amendment from Chief Executive to Chief Operating Officer	SSG 8.11.12 Approved by Full Council
6th December 2012	4-5	Update to pension ranges re: LGPS contribution rates Addition of Payments upon Termination Section	Approved by Full Council
6th December 2012	7	Update to Ratio + Multiplier information (Appendix 2)	Approved by Full Council

6th December 2012	6	Update to current salary levels + addition of newly appointed posts (Appendix 1)	Approved by Full Council
5th December 2013	Various	Update to current salary levels and reference to Chief Executive Officer throughout. Inclusion of Public Health information.	To be approved by Full Council – 5.12.13
5th December 2014	Various	Update to current salary levels and pension rates, reference to Executive Head of Commercial Services.	To be approved by Full Council – 4.12.14
November 2015	Various	-Update to reflect structure changes, e.g. Chief Officer/Head of Paid Service and Assistant Director roles. Reference to National Living Wage from 1.4.16.  New section (5) relating to approval process for Chief Officer/Head of Paid Service appointments and changes to  Section 6 (Settlement Agreements) to reflect approval process, i.e.	Approved by Full Council – 10.12.15

February 2017	Various	<p>Update to reflect change in job title – Chief Officer to Chief Executive.</p> <p>Changes to Appendix 1 –</p> <p>Multipliers, due to salary pay award in 2016 and introduction of National living Wage. Changes to terms and conditions relating to enhancements and other terms and conditions that have been varied through Collective Consultation.</p> <p>Updated to reflect Hay 2016 rates low to medium and spinal scales</p>	<p>Approved by Full Council February 2017</p>
June 2017	Wording to 2.5 updated.	<p>To reflect how Chief Executive salary will be reviewed following recommendation from Employment Committee.</p>	<p>Approved by Full Council 10<sup>th</sup> May 2017.</p>
January 2018	Various	<p>Changes to job titles to reflect Senior Leadership Team restructure.</p> <p>Replace external link to Salary Disclosure information.</p> <p>Update to pensions contributions information.</p>	<p>Full Council Approval 22<sup>nd</sup> February 2018.</p>

<p>January 2019</p>	<p>Various</p>	<p>Insertion of new section 2.9 re:- pay and grading structure changes.</p> <p>Update to Pensions information – Section 3</p> <p>Update to Appendix 1 – multiplier information.</p> <p>Update of Appendix 2 – Gender Pay Gap Report</p> <p>Amendment to Scope of Gender Pay Gap Report – pay calculations no longer include Schools data.</p>	<p>Full Council Approval 21st February 2019.</p>
<p>January 2020</p>	<p>Various</p>	<p>Update to Appendix 1 – multiplier information.</p> <p>Update of Appendix 2 – Gender Pay Gap Report.</p> <p>ONS Annual Earnings Survey Results included for private and public sectors.</p>	<p>Full Council Approval 27th February 2020.</p>

January 2021	Various	<p>Update to Appendix 1 – multiplier information.</p> <p>Update of Appendix 2 – Gender Pay Gap Report</p> <p>ONS Annual Earnings Survey Results figures updated for private and public sectors.</p> <p>Inclusion of Restriction of Public Sector Exit Payment Regulations 2020.</p>	<p>Pending - Full Council Approval 24th February 2021.</p>
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Policy to be reviewed December 2021.







Looking forward to your retirement

# Employer Pensions Discretions Policy

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**The LGPS Regulations 2013**

**and**

**The LGPS Regulations 2014**

(Transitional Provisions and Savings)

**and**

**The LGPS Regulations 2008**

(Benefits, Membership and Contributions)

**(as at 14<sup>th</sup> May 2018)**

**Employer name:** TORBAY COUNCIL

**Policy effective from:** 01/04/2021

These policies may be subject to review from time to time. Affected employees will be notified of any subsequent change to this Policy Statement.

**Print name of authorised officer:** Anne-Marie Bond

**Job title:** Interim Chief Executive

**Date:**

**Signature of authorised officer:**

## Mandatory LGPS 2013 & 2014 discretions

### Power of employing authority to grant additional pension Regulation R31

An employer can choose to grant extra annual pension\* (at full cost to themselves) to:

- a) an active member; or
- b) to a member, within 6 months of leaving, whose employment was terminated on the grounds of redundancy or business efficiency

*\*(Current maximum additional pension allowed is £6,822 (figure at 1 April 2018))*

Please state your decision below:

Torbay Council will not normally exercise the discretion to grant additional pension except in exceptional circumstances.

### Shared Cost Additional Pension Scheme Regulation R16 (2) (e) and R16 (4) (d)

Where an active member wishes to purchase extra annual pension by making additional pension contributions (APCs)\*, an employer can choose to voluntarily contribute towards the cost of purchasing that extra pension via a shared cost additional pension contribution (SCAPC)

*\*(Current maximum additional pension allowed is £6,822 (figure at 1 April 2018))*

**NOTE:** this discretion does not relate to cases where a member has a period of authorised unpaid leave of absence and elects within 30 days of return to work (or such a longer period as the Scheme employer may allow) to pay a SCAPC to cover the amount of pension 'lost' during that period of absence. That is because, in those cases, the Scheme employer must contribute 2/3rds of the cost to a SCAPC; there is no discretion [regulation 15(5) of the LGPS Regulations 2013].

Please state your decision below:

Torbay Council will not normally enter into a Shared Cost Additional Pension Contribution contract to count towards a member's APC purchase except in exceptional circumstances.



### **Flexible Retirement**

#### **Regulation R30 (6) and TP11 (2)**

Under the regulations, once an employee reaches age 55, they may remain in employment and draw their retirement benefits.

However, there are certain conditions that must be met:

- a) The employer must agree to the release of the pension.
- b) The employee must reduce either their hours, and/or their grade. *(The specific reduction required is not set out in the regulations, but instead must be determined by the employer, whom must specify the requirements within their flexible retirement policy).*

In such cases, pension benefits will be reduced in accordance with actuarial tables unless the employer waives reduction on compassionate grounds or a member has protected rights).

**If flexible retirement is permitted, employers will need to publish a Flexible Retirement Policy and send Peninsula Pensions a copy. This can be done on the final section of this template.**

### **Please state your decision below:**

Torbay Council will take all reasonable steps to accommodate an employee's request for Flexible Retirement.

The Council will consider waiving a reduction to pension benefits where flexibility will enable the Council to retain key skills within critical service areas.

The Council will also consider requests where an employee is aged between 55 and 60, satisfies the 85 year rule and in which case the decision incurs a pension strain cost. Such requests will be considered by the Head of Paid Service and/or the Council, dependent on the seniority of the role and the associated cost, in line with the Local Government Transparency Code 2015.

### **Waiving of actuarial reduction**

#### **Regulation R30 (8) , TP3 (1), TPSch2, Para 2(1), B30 (5) and B30 (A) (5)**

Employers have the power to waive, on compassionate grounds, the actuarial reduction (in whole or part) applied to members' benefits paid on the grounds of flexible retirement.

Employers may also waive, on compassionate grounds, the actuarial reduction (in whole or part) applied to members' benefits for deferred members and suspended tier 3 ill health pensioners who elect to draw benefits on or after age 60 and before normal pension age.

### **Please state your decision below:**

Torbay Council will consider waiving a reduction to pension benefits in the event of Flexible Retirement where flexibility will enable the Council to retain key skills within critical service areas.

The Council will not waive the actuarial reduction applied to deferred member's benefit requests, suspended tier 3 ill health pensioners

Employers also have the power to waive, in whole or in part, the actuarial reduction applied to active members' benefits when a member chooses to voluntarily draw benefits on or after age 55 before age 60 and on or after age 60 and before Normal Pension Age (NPA).

or active members who retire voluntarily and draw benefits from age 55 to Normal Pension Age.

**Power of employing authority to 'switch on' the 85 year rule (excludes flexible retirement) upon the voluntary early payment of benefits.**

**TP1(1)(c) Sch2**

The 85-year rule does not (other than on flexible retirement) automatically fully apply to members who would otherwise be subject to it and who choose to voluntarily draw their benefits on or after age 55 and before age 60.

An employer can therefore choose whether to switch on the 85-year rule for members:

- 1) who voluntarily draw their benefits on or after age 55 and before age 60 and,
- 2) former members who ceased active membership between 1<sup>st</sup> April 2008 and 31<sup>st</sup> March 2014 and choose to voluntarily draw their suspended tier 3 ill health pension (on or after 14 May 2018) on or after age 55 and before age 60.
- 3) former members who ceased active membership between 1<sup>st</sup> April 1998 and 31<sup>st</sup> March 2014) and elect for voluntary early payment of any deferred benefits

**Please state your decision below:**

Torbay Council will not 'switch on' the 85 year rule for current or former members who voluntarily draw their pension benefits early, except in exceptional circumstances.

## Non-Mandatory/Recommended LGPS 2013 & 2014 discretions

### Regulation R17 (1) and TP15 (1) (d) and A25 (3) and definition of SCAVC in RSch 1

#### Shared Cost Additional Voluntary Contribution Arrangement

An employer can choose to pay for or contribute towards a member's Additional Voluntary Contribution via a shared cost arrangement (SCAVC). An employer will also need to decide how much, and in what circumstances to contribute to a SCAVC arrangement.

#### Please state your decision below:

Torbay Council will not currently contribute to a member's Shared Cost Additional Voluntary Contribution arrangement.

### Non-mandatory policies but recommended by Peninsula Pensions:

**Reg 16(16)** - An employer can extend the 30-day deadline for a member to elect for a SCAPC upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury, relevant child-related leave or reserve forces service leave).

**Reg 22(7) and (8)** - Whether to extend the 12-month time limit for a member to elect not to aggregate post 31<sup>st</sup> March 2014 (or combinations of pre-April 2014 and post March 2014) deferred benefits.

**Reg 27 of the LGPS (Amendment) Regs 2018** - Whether to extend the 12-month option period for a member to elect to aggregate pre-1st April 2014 deferred benefits.

**R100 (6)** - Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS

**R9(1) & R9(3)** - Determine rate of employees' contributions and when the contribution rate will be assessed

#### Please state your decision below:

Reg 16(16) – Torbay Council will not extend the 30-day deadline upon return from a period of absence allowing for a member to elect for a SCAPC unless the Council have not provided sufficient time to enable the member to make the election.

Reg 22(7) and (8) – Torbay Council will not extend the 12-month time limit except in exceptional circumstances.

Reg 27 of the LGPS (Amendment) Regs 2018 - Torbay Council will not extend the 12-month option period except in exceptional circumstances.

R100 (6) – Torbay Council will consider member requests for the acceptance of transfer values on an individual basis.

R9(1) & R9(3) – Torbay Council will assess and determine an employee's contribution rate on a monthly basis.



## Pre LGPS 2014 discretions

To cover scheme members who ceased active membership on or after 1 April 2008 and before 1 April 2014 (no need to complete if not applicable).

### **Reg 30(5) , TP2(1) Sch2, Reg 30A(5) TP2(1) Sch 2**

#### **Early payment of benefits**

Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65

Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to any suspended tier 3 ill health pension benefits which are brought back into payment before age 65

### **Policy decision**

Torbay Council will not waive the actuarial reduction to the early payment of a deferred benefit except in exceptional circumstances.

Torbay Council will not waive the actuarial reduction to any suspended tier 3 ill health pension benefits which are brought back into payment before age 65.

To cover scheme members who ceased active membership between 1 April 1998 and 31 March 2008 (no need to complete if not applicable).

### **Regulation 31(2), 31(5), 31(7A) of the LGPS Regulations 1997 and paragraph 2(1) of Schedule 2 to the LGPS (TP) Regs2014**

#### **Early payment of benefits**

Employers can allow the early payment of deferred benefits to former members of the LGPS between the ages of 50 and 55.

Employers can also choose, on compassionate grounds, to waive any actuarial reduction that would normally be applied to benefits which are paid before age 65

#### **Regulation D11(2)(c) of the LGPS Regulations 1995**

**In relation to members who ceased active membership before 1 April 1998:**

### **Policy decision**

Torbay Council will consider requests for the early payment of deferred benefits to former members between age 55 and 55 where there is no cost to the Authority.

Torbay Council will not waive any actuarial reduction that would apply to benefits paid before age 65 where there is a cost to the Council.

Reg D11(2)(c) of the LGPS Regs 1995 – Torbay Council will only grant applications for early release of deferred pension benefits on

Whether to grant applications for the early payment of deferred pension benefits on or after age 50 and before NRD on compassionate grounds.

compassionate grounds to former members between age 50 and NRD where there is no cost to the Council.





## Flexible Retirement Additional Policy

### Flexible Retirement (Regulation R30 (6) and TP11 (2))

#### This must be completed if you allow flexible retirement

You will need to consider; -

1. The minimum reduction in hours or grade required.
2. Whether the employee should commit to a reduction in hours or grade for a minimum period.
3. Whether the employee should commit to remaining in employment with the employer for a minimum period

You should also state; -

1. Whether, in addition to the benefits the member has accrued prior to 1<sup>st</sup> April 2008(which the member must draw) to permit the member to choose to draw;
  - All, part, or none of the benefits they accrued after 31<sup>st</sup> March 2008 and before 1<sup>st</sup> April 2014 and/or,
  - All, part, or none of the benefits accrued after 31<sup>st</sup> March 2014, and,
  - Whether to waive, in whole, or in part, any actuarial reduction which would normally be applied to the benefits for Flexible retirement taken before normal retirement age.

#### Please state your decision below:

1. The minimum recommended reduction in hours is 40%, however, reductions of 20% will also be considered. The minimum reduction in grade is one full grade.
2. The employee must commit to a permanent reduction in hours or grade.
3. The employee must commit to remaining in employment for a minimum period of 1 year, however, the Council can terminate that employment prior to the 1 year deadline.
  - Torbay Council will permit Flexible Retiree's to draw all of their benefits accrued after 31<sup>st</sup> March 2008 and before 1<sup>st</sup> April 2014.
  - The Council will permit members to draw all of their benefits accrued after 31<sup>st</sup> March 2014.
  - The Council will not waive, in whole, or in part, any actuarial reduction which would normally be applied to benefits taken before NRA except in exceptional circumstances.



**Meeting: Council**

**Date: 25 February 2021**

**Wards Affected: All**

**Report Title: Review of the Members Code of Conduct**

**Lead Officer Contact Details:** Amanda Barlow, Monitoring Officer,  
Amanda.barlow@torbay.gov.uk

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### **1. Purpose of Report**

- 1.1 This report sets out the recommendations of the Standards Committee for approval of the Members Code of Conduct which has been amended, following the release of a new model code of conduct by the Local Government Association, during 2020.

### **2. Reason for Proposal and its benefits**

We want Torbay and its residents to thrive.

We want Torbay to be a place where we have turned the tide on poverty and tackled inequalities; where our children and older people will have high aspirations and where there are quality jobs, good pay and affordable housing for our residents.

We want Torbay to be the premier resort in the UK, with a vibrant arts and cultural offer for our residents and visitors to enjoy; where our built and natural environment is celebrated and where we play our part in addressing the climate change emergency.

- 2.1 The proposals in this report will assist us in delivering this ambition, ensure we have a Council that is fit for the future; and maintain public confidence in the role of Councillor and Local Government.
- 2.2 The reason for the decision, is to ensure the Members Code of Conduct reflects best practice.
- 

### **3. Recommendation(s) / Proposed Decision**

- (i) that the revised Members Code of Conduct, as set out in Appendix 1 to the submitted report be approved.

## **Appendices**

Appendix 1: Members Code of Conduct

## **Background Documents**

Local Government Association Model Code of Conduct:

[Local Government Association Model Councillor Code of Conduct 2020 | Local Government Association](#)

# Supporting Information

## 1. Introduction

- 1.1 The Localism Act 2011 introduced the requirement that authorities promote and maintain high standards of conduct by members. Part of this requirement is that the Council has a code of conduct dealing with what is expected of members and co-opted members of the authority when they are acting in that capacity as well setting out provision for the registration of members pecuniary and other interests.
- 1.2 Torbay Council adopted its current Members Code of Conduct in 2012 and whilst locally the Members Code of Conduct has been 'kept under review', the recent publication of the Local Government Association model Code of Conduct is the first national review since the Localism Act 2011 introduced the requirement for local authorities to promote and maintain high standards of conduct by members.
- 1.3 The Members Code of Conduct has therefore been reviewed to ensure that it reflects what is considered to be best practice.
- 1.4 The Standards Committee, chaired by Councillor Mandy Darling, met on 10 February 2021 to review the updated Members Code of Conduct and it recommends its approval as set out at appendix 1.

## 2. Options under consideration

- 2.1 Whilst the Council is not obliged to update the Members Code of Conduct, failing to review and update the Members Code of Conduct in light of what is considered best practice, could result in the Members Code of Conduct becoming 'outdated' by not taking into account how modern society has changed e.g. the increased use of social media.

## 3. Financial Opportunities and Implications

- 3.1 There are no financial or resource implications as a result of this decision.

## 4. Legal Implications

- 4.1 None.

## 5. Engagement and Consultation

- 5.1 The Local Government Association undertook consultation on a draft Model Code of Conduct, the Standards Committee on 31 July 2020 responded to the consultation on behalf of the Council.

## 6. Purchasing or Hiring of Goods and/or Services

- 6.1 Not applicable.

## 7. Tackling Climate Change

- 7.1 Not applicable.

8. **Associated Risks**

- 8.1 If Council did not wish to update the Members Code of Conduct, there is a risk that the Members Code of Conduct would not reflect best practice and potentially undermine the public's confidence in the role of Councillor and Local Government.

## Code of Conduct for Members

### Contents

#### Part 1 – General Provisions

1. Public Duty and Interests: An introduction
2. Purpose of the Code of Conduct~~Definitions~~
- ~~3. Scope~~
- ~~4. General Obligations~~

#### 3. Application of the Code of Conduct

#### 4. Minimum Standards of Member Conduct

#### 5. Complying with the Code of Conduct

#### Part 2 – Interests

6. Registration of Interests
7. The Interests you Must Register
8. Declaration of interests

Annex A. General Notice of Registerable Interests

Appendix A. General Principles of Public Life

Appendix B. Public Sector Equality Duty

Appendix C. Local Authority Code of Publicity

## Definitions

In this Code –

“interest or interests” have the meanings set out in Part 2 of this Code

“relevant person” means:

- you or
- your spouse or civil partner, or
- a person with whom you are living as husband and wife or as if they were civil partners

“relevant period” means a period of 12 months ending with the date on which you notified the Monitoring Office of an interest

“meeting” means any meeting of –

- the Council;
- the Cabinet;
- any of the Council’s or the Cabinet’s, Committees, Sub-Committees, Joint Committees, Joint Sub-committees or Area committees;

“Member” includes a co-opted member

“Regulations” means the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464)

“sensitive information” has the meaning given to it in paragraph 7.4

# CODE OF CONDUCT

## PART 1 GENERAL PROVISIONS

### 1 Public Duty and Interests: An introduction

1.1 This Code applies to you as a Member or a Co-opted Member of the Council of the Borough of Torbay ('the Council'). For the purposes of this code references to 'Member' or 'Member of the Council' include Co-opted members unless otherwise stated. A Co-opted Member means a person who is not a member of the authority but who:

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

1.2 When acting in your capacity as a Member of the Council, you should have regard to the Principles of Public Life namely, Selflessness, Honesty/Integrity, Objectivity, Accountability, Openness, Personal judgment, Respect for others, Duty to uphold the law, Stewardship and Leadership. An explanation of what compliance with each of these principles requires is included at appendix A.

### ~~1.3 When acting in your capacity as a Member of the Council~~

~~(a) you must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, a member of your family, close associate or relevant person;~~

### 2 Purpose of the Code of Conduct

2.1 The purpose of this Code of Conduct is to assist you, as a Member, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow members, officers and the reputation of the Council. It sets out general principles of conduct expected of all Members and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of elected member and local government.

2.2 As a Member you must promote and support high standards of conduct when serving in your public post. You should exhibit the principles in your own behaviour, actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

### 2.3 You

~~(b) you must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties;~~



~~(c) when carrying out your public duties you must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias;~~

~~(d) you are accountable to the public for your decisions and actions and must submit yourself to the scrutiny necessary to ensure this;~~

~~(e) you must act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing. You should, whilst you may be prepared to give reasons for your decisions and actions in accordance with any statutory requirements and any reasonable additional requirements imposed strongly influenced by the Council or contained in its Constitution;~~

~~(f) views of others, it is your responsibility alone to decide what view to take on any issue which Members have to decide. You must not do anything as a Member which you could not justify to the public.~~

2.4 It is your responsibility to comply with the provisions of this Code.

### 3 Application of the Code of Conduct

3.1 This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a member.

3.2 You must comply with this Code whenever you are acting in your capacity as a member, when:

(a) you are engaged on the business of the Council; or

(b) you behave so as to give a reasonable person the impression that you are acting as a representative of the Council or in your capacity as a Member.

3.3 The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at virtual or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a member.

3.4 The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

### 4. Minimum Standards of Member Conduct

4.1 This section sets out your obligations, which are the minimum standards of conduct required of you as a Member. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

4.2 General Conduct:

You **must** –

(a) treat others with courtesy and respect.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. However, you must not subject individuals, groups of people or organisations (including fellow Members, Officers and/or their relatives) to personal remarks, comments or attacks.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in members. Consider your own language and attitudes to others, and think before making comments. Are you being fair? Are you being respectful? Are you behaving like a good role model? What may be acceptable to you could be offensive to others.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow members, where action could then be taken under this Member Code of Conduct and local authority employees, where concerns should be raised in line with the Members and Officers Local Protocol.

(b) be truthful and declare any interests, whether disclosable pecuniary or personal, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out at Part 2 of this Code;

(c) when reaching decisions on any matter, do so on the merits of the circumstances and in the public interest and have reasonable regard to any relevant advice provided to you by an officer of the Council.

(h) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or any similar Communications Protocol or Code produced by the Council (as set out at Appendix C);

4.3 As a Member:

You must not –(a) bully or harass any person

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events; and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

(b) attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;

Your position as a member of the Council provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

(c) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;

Officers work for the Council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

(d)(g) you must, when using or authorising the use by others of misuse Council resources or when using the resources of the Council, ensure that such resources are not used improperly for political purposes (including party political purposes), business or personal gain and that any use is in accordance with the Council's reasonable requirements; and in accordance with its Policies.

~~(h) you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or any similar Communications Protocol or Code produced by the Council (as set out at Appendix C);~~

~~(i) you must promote and support high standards of conduct when serving in your public post. You should exhibit these principles in your own behaviour, actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.~~

~~1.4 Whilst you may be strongly influenced by the views of others, it is your responsibility alone to decide what view to take on any issue which Members have to decide.~~

~~1.5 You must not do anything as a Member which you could not justify to the public.~~

~~1.6 It is your responsibility to comply with the provisions of this Code.~~

## Definitions

~~2. In this Code –~~

~~“interest or interests” have the meanings set out in Part 2 of this Code~~

~~“relevant person” means:~~

- ~~• you or~~
- ~~• your spouse or civil partner, or~~
- ~~• a person with whom you are living as husband and wife or as if they were civil partners~~

~~“relevant period” means a period of 12 months ending with the date on which you notified the Monitoring Office of an interest~~

~~“meeting” means any meeting of –~~

- ~~• the Council;~~
- ~~• the Cabinet;~~
- ~~• any of the Council’s or the Cabinet’s, Committees, Sub-Committees, Joint Committees, Joint Sub-committees or Area committees;~~

~~“Member” includes a co-opted member~~

~~“Regulations” means the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464)~~

~~“sensitive information” has the meaning given to it in paragraph 7.4~~

**Scope**

~~3. You must comply with this Code whenever you are acting in your official capacity, when:~~

~~— (a) you are engaged on the business of the Council; or~~

~~— (b) you behave so as to give a reasonable person the impression that you are acting as a representative of the Council or in your capacity as a Member.~~

**General obligations**

~~4. You must~~

~~(a) treat others with courtesy and respect,~~

As a Member you may be

~~(b) when reaching decisions on any matter, do so on the merits of the circumstances and in the public interest and have reasonable regard to any relevant advice provided to you with resources and facilities by an officer of the Council.~~

~~5. You must not~~

~~(a) attempt to use assist you in carrying out your position duties as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; member.~~

~~(b) Examples may include:~~

- ~~• office support~~
- ~~• equipment such as phones, and IT equipment~~
- ~~• transport~~
- ~~• access and use of local authority buildings and rooms.~~

~~These are given to you to help you carry out your role as a member more effectively.~~

~~(e) nor to do anything which may cause the Council to breach a statutory duty or any of the equality enactments (as defined in section 149 of the Equality Act 2010 the requirements of which are included at appendix B);~~

~~(c) bully any person (bullying may be characterised as any single act or pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear);~~

~~(d) intimidate or attempt to intimidate any person who is or is likely to be~~

~~(i) a complainant,~~

~~(ii) a witness, or~~

~~(iii) involved in the administration of any investigation or proceedings,~~

~~in relation to an allegation that any Member has failed to comply with the Council's Code of Conduct; or~~

~~(e) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;~~

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

- (f) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
- (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is –
    - (A) in the public interest; and
    - (B) made in good faith and
    - (C) in compliance with the reasonable requirements of the Council;

- (g) prevent another person from gaining access to information to which that person is entitled by law;

The Council must operate in an open and transparent manner, and the Council's proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the Council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

- (h) conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.

As a Member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other members and/or the Council and may lower the public's confidence in your or the Council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Council into disrepute.

You are able to hold the Council and members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council, whilst continuing to adhere to other aspects of this Code of Conduct.

## **5. Complying with the Code of Conduct**

### **5.1 As a Member of Torbay Council:**

- You will undertake Code of Conduct training as required by Torbay Council.
- You will cooperate with any Code of Conduct investigation and/or determination.
- You will not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- You are required to respond to any sanction imposed on you following a finding that you have breached the Code of Conduct.

5.2 It is extremely important that as a Member of Torbay Council you demonstrate high standards. A Member's actions are open to scrutiny, it is therefore important that you do not undermine public trust in the Council or its governance processes. If you do not understand or are concerned about the Council's processes in handling a complaint against you, you should raise the issue with the Monitoring Officer.

## **PART 2 INTERESTS**

### **6. Registration of Interests**

6.—1 You must, within 28 days of—

- (a) this Code being adopted by, or applied to, the Council; or
- (b) your taking office as a Member or Co-opted Member of the Council,

whichever is the later, and annually thereafter, provide written notification to the Council's Monitoring Officer of:

- (i) any disclosable pecuniary interest as defined by Regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse’s or civil partner’s, or is the pecuniary interest of somebody with whom you are living with as a husband or wife; and
- (ii) any other personal interest as may be defined by the Council from time to time;

which will be recorded in the Council’s Register of Members’ Interests and made available for public inspection including on the Council’s website at:

<http://www.torbay.gov.uk/DemocraticServices/mgMemberIndex.aspx?bc=1>

- 6.42 Within 28 days of becoming aware of any new interest or change to any interest already registered, you must register details of that new interest or change by providing written notification to the Council’s Monitoring Officer.
- 6.23 Whether or not an interest within paragraphs 7.1 and 7.2 below has been entered onto the Council’s register, you must disclose any interest to a meeting at which you are present in any matter being considered, in accordance with paragraph 8 below, unless that matter is ‘sensitive information’.
- 6.34 Following any disclosure of an interest not on the Council’s register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
- 6.45 In relation to disclosable pecuniary interests, in this Part of the Code the expressions in the left hand column below have the meanings attributed to them in the right hand column:

“body in which the relevant person has a beneficial interest”	means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director or in the securities of which the relevant person has a beneficial interest
“director”	includes a member of the committee of management of an industrial and provident society
“land”	excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income
“relevant authority”	means the authority of which you are a member
“relevant person”	means you, your spouse or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living with as if you are civil partners
“securities”	means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment



	scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society
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## 7. The interests you must register are:

7.1 those disclosable pecuniary interests defined by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464) as set out below, namely:

(a) any employment, office, trade, profession or vocation carried on for profit or gain by you or a relevant person;

(b) any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a Member, or towards your expenses, including any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;

(c) any contract which is made between you or, so far as you are aware, a relevant person (as defined at Para 2 above) (in which the relevant person has a beneficial interest) and the Council:

- (1) under which goods or services are to be provided or works are to be executed; and
- (2) which has not been fully discharged

(d) any beneficial interest in land held by you, or so far as you are aware, a relevant person which is within the administrative area of the Council;

(e) any licence (alone or jointly with others) to occupy land in the administrative area of the Council for a month or longer

(f) any tenancy where (to your knowledge):

- (1) the landlord is the Council; and
- (2) the tenant is a body in which you or, so far as you are aware, a relevant person has a beneficial interest.

(g) any beneficial interest that you or, so far as you are aware, a relevant person has in securities of a body where:

(1) that body (to your knowledge) has a place of business or land in the administrative area of the Council and

(2) either:

- (A) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(B) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

- 7.2 In addition to the disclosable pecuniary interests prescribed by the Regulations, this Code also requires that you **must** register the following interests:
- (a) your membership of any body:
    - (1) to which you have been appointed by the Council
    - (2) which exercises functions of a public nature directed to charitable purposes; or
    - (3) whose principal purposes include influence of public opinion or policy
  - (b) your membership of any political party or trade union.
- 7.3 In addition to those interests listed at 7.1 and 7.2 above which you are required to register, you **may** wish also to declare membership of any body which, in your view, might create a conflict of interest in carrying out your duties as a Member, such as membership of the Freemasons or any similar body.
- 7.4 Where the Council's Monitoring Officer agrees that any information relating to your interests is "*sensitive information*"; namely information whose availability for inspection by the public is likely to create a serious risk that any person may be subjected to violence or intimidation, you need not include that information when registering that interest, or, as the case may be, any change to that interest.
- 7.5 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded is no longer sensitive information, notify the Council's Monitoring Officer asking that the information be included in the Council's Register of Members' Interests.

### Declaration of Interests

8. Unless a dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function which relates to or is likely to affect any matter in which you have a disclosable pecuniary interest as defined by Regulations referred to at Para 6(b)(i) .
- 8.1 Where you have any interest in business of the Council and you attend a meeting at which that business is to be considered, you must:
- (a) disclose to that meeting the existence and nature of that interest but where your interest is sensitive you are not required to disclose the nature of the interest but merely the fact that you have an interest in the matter concerned;
  - (b) disclose any interest, no later than the commencement of the consideration of the business in which you have that interest, or (if later) the time at which the interest becomes apparent to you;

- (c) where you have a disclosable pecuniary interest, withdraw from the room or chamber where a meeting considering the business is being held at the commencement of the consideration of that business in which you have that interest, or (if later) the time at which the interest becomes apparent to you;
- (d) not seek to influence improperly any decision about that business;

unless you have obtained a dispensation from the Council's Monitoring Officer.

8.2 Members should note that the following is a criminal offence:

- (a) failing to notify the authority's Monitoring Officer of any disclosable pecuniary interests which the person has at the time when the notification is given, before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the authority,
- (b) failing to disclose a disclosable pecuniary interest to a meeting which has not been previously notified to the monitoring officer and if that interest is not the subject of a pending notification, failing to notify the authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure
- (c) participating, or participating further, in any discussion of a matter in which a member has a disclosable pecuniary interest
- (d) participating in any vote, or further vote, taken on the matter at the meeting in which a member has a disclosable pecuniary interest

8.3 You are also required to consider, before taking any decision, whether there is potential for legal challenge on the basis of you having any apparent bias, pre-determination or pre-disposition associated with the decision. The Local Code of Good Practice – Members and Council Officers Involved in the Planning Process provides further guidance on bias, pre-determination and pre-disposition.

**MEMBERS' CODE OF CONDUCT  
GENERAL NOTICE OF REGISTERABLE INTERESTS**



I,

being a Member/Co-opted Member of the Council of the Borough of Torbay,

give notice below of those interests which I am required to declare under The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and Torbay Council's Code of Conduct:

I understand that in so doing I must declare any interest of my spouse or civil partner or of any person with whom I am living as a husband or wife and acknowledge that all references to 'you' below include reference to my spouse or civil partner or of any person with whom I am living as a husband or wife.

<b>1. Employment, Office, Trade, Profession or Vocation</b>	
<b>Please give details of (i) every employment, job, trade, business or vocation you have, for which you receive any benefit or gain (i.e. profit, salary or benefit in kind) including a short description of the activity e.g. 'Accountant' or 'Farmer' and (ii) the name of any employer or body, firm or company which you own or in which you have any beneficial interest.</b>	
Description of employment, job, vocation, trade or business	
Name of Employer, body, firm or company by which you are employed or in which you are a partner or a remunerated Director in which you have a beneficial interest	

**2. Sponsorship**

Please give details of any person or body (other than the Council) who has made any payment to you in respect of your election or any expenses you have incurred in carrying out your duties as a Councillor.

**3. Securities: Interests in Companies**

Please give details of body which has a place of business or owns land in the Council’s area and in which you have a beneficial interest (a shareholding) of more than £25,000 (nominal value) or more than 1/100<sup>th</sup> of the total share issue of that body (whichever is the lower) or if there is more than one class of share, the total nominal value of shares in any class of that body of more than 1/100<sup>th</sup> of the total shares of that class

*Note: It is not necessary to declare the nature or size of the holding, simply the name of the company or other body.*

**4. Contracts: for Goods, Works or Services with the Council**

Please give details of any current, existing contracts for goods, works or services between the Council and you or any body, firm or company by which you are employed or which you own or in which you have a beneficial interest, as referred to at 3 above.

**5. Landholdings and Licenses in the Area**

Please give the address or other description (sufficient to identify the location) of any land or property in the Council's area in which you have a beneficial interest, indicating whether you are the owner, lessee or tenant, including land in which you may have a licence, alone or with others, to occupy for a period of one month or longer.

You must include the land and house you live in and for example an allotment you own or use.

**6. Corporate Tenancies: Land leased from the Council**

Please give the address or other description (sufficient to identify the location) of any land

leased or licensed from the Council by a you or any body firm or company by which you are employed or which you own or in which you have a beneficial interest (specified at 3 above).

**7. Membership of Other Bodies**

Please give details of your membership of, or any position of general control or management, of any bodies in the categories listed below.

Any Body or Organisation to which you have been appointed or nominated by the Council as its representative

Any body which exercises functions of a public nature directed to charitable purposes

*(e.g., an Industrial and Provident Society or Charitable Body)*

Any Body whose principle purpose is to influence public opinion or policy or which, in your view, might create a conflict of interest in carrying out their duties as a Councillor.

*(e.g. Political Party; Trade Union, Professional Association, Local Action Forum, Civic Society or*

<i>Interest Group (e.g. National Trust; RSPB: Greenpeace or membership of the Freemasons or similar body)</i>	
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**DECLARATION**

I recognise that if I fail to comply with the Code of Conduct for Members of the Council of the Borough of Torbay or:

- (i) omit any information that should be included in this Notice;
- (ii) give false or misleading information; or
- (iii) do not tell the Council of any changes to this Notice or new interests I acquire,

that may be a criminal offence and/or the matter may be referred for investigation.

Signed : .....

**FOR OFFICE USE ONLY**

Received: ..... Update .....



## Appendix A

**General principles of public life**

**Selflessness** – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and integrity** – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

**Objectivity** – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

**Openness** – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

**Leadership** – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

**Personal judgement** – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

**Respect for others** – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

**Duty to uphold the law** – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

**Stewardship** – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

Appendix B

**Public sector equality duty (extract from s149 of the Equality Act 2010)**

(1) A public authority must, in the exercise of its functions, have due regard to the need to—

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under [the Equality Act 2010];

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) tackle prejudice, and

(b) promote understanding.

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are—age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

## Appendix C

**Local Authority Code of Publicity**

## Introduction

1. This code applies to all local authorities in England specified in section 6 of the Local Government Act 1986 and to other authorities in England which have that provision applied to them by other legislation. Where the term “local authorities” is used in this code it should be taken as referring to both those categories of authority. References to “the Act” are to the Local Government Act 1986.

2. Local authorities are required by section 4(1) of the Act to have regard to the contents of this code in coming to any decision on publicity. Section 6 of the Act defines publicity as “any communication in whatever form, addressed to the public at large or a section of the public”. The code therefore applies in relation to all decisions by local authorities relating to paid advertising and leaflet campaigns, publication of free newspapers and newsheets and maintenance of websites – including the hosting of material which is created by third parties.

3. Nothing in this code overrides the prohibition by section 2 of the Act on the publication by local authorities of material which in whole or in part appears to be designed to affect public support for a political party. Paragraphs 21 to 24 offer some guidance for local authorities on the management of publicity which may contain or have links to party political material.

**Principles**

4. Publicity by local authorities should:-

- be lawful
- be cost effective
- be objective
- be even-handed
- be appropriate
- have regard to equality and diversity
- be issued with care during periods of heightened sensitivity

**Lawfulness**

5. Local authorities should ensure that publicity complies with all applicable statutory provisions. Paid-for advertising must comply with the Advertising Standards Authority’s Advertising Codes.

6. Part 3 of the Communications Act 2003 prohibits political advertising on television or radio. Local authorities must ensure that their publicity does not breach these restrictions.

7. Section 125 of the Political Parties, Elections and Referendums Act 2000 places a specific restriction on the publication by a local authority of material relating to a referendum under Part 7 of that Act, during the period of 28 days immediately before the referendum is held.

8. Regulation 5 of the Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089) prohibits local authorities from publishing material in the 28 days immediately before a referendum which expresses support for, or opposition to a particular answer to a referendum question relating to the constitutional arrangements of the authority.

9. Regulation 15 of the Local Authorities (Referendums, Petitions and Directions) (England) Regulations 2000 (S.I. 2000/2852) prohibits local authorities from incurring expenditure to publish material which appears designed to influence people in deciding whether or not to sign a petition relating to the constitutional arrangements of the authority, or to assist others to publish such material.

### **Cost effectiveness**

10. In relation to all publicity, local authorities should be able to confirm that consideration has been given to the value for money that is being achieved, including taking into account any loss of potential revenue arising from the use of local authority-owned facilities to host authority publicity.

11. In some circumstances it will be difficult to quantify value for money, for example where the publicity promotes a local amenity which is free to use. In such a case authorities should be able to show that they have given thought to alternative means of promoting the amenity and satisfied themselves that the means of publicity chosen is the most appropriate.

12. If another public authority, such as central government, has issued publicity on a particular topic, local authorities should incur expenditure on issuing publicity on the same matter only if they consider that additional value is achieved by the duplication of that publicity. Additional value might be achieved if locally produced publicity gives a local context to national issues.

13. The purchase of advertising space should not be used as a method of subsidising voluntary, public or commercial organisations.

14. Local authorities should consider whether it is appropriate to seek advice from economic analysts, public relations experts or other sources of expert advice before embarking on a publicity campaign involving very large expenditure.

### **Objectivity**

15. Local authorities should ensure that publicity relating to policies and proposals from central government is balanced and factually accurate. Such publicity may set out the local authority's views and reasons for holding those views, but should avoid anything likely to be perceived by readers as constituting a political statement, or being a commentary on contentious areas of public policy.

16. Any publicity describing the council's policies and aims should be as objective as possible, concentrating on the facts or explanation or both. Local authorities should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy. It is acceptable for local authority publicity to correct erroneous material which has been published by other parties, despite the fact that the material being corrected may have been published with the intention of influencing the public's opinions about the policies of the authority. Such publicity should seek to explain the facts in an objective manner.

17. Where paid-for advertising is used by local authorities, it should be clearly identified as being advertising. Paid-for advertising, including advertisements for the recruitment of staff, should not be used in any publication owned or controlled by a political party.

18. Advertisements for the recruitment of staff should reflect the tradition of political impartiality of local authority employees and should not (except in the case of advertisements relating to the appointment of staff pursuant to section 9 of the Local Government and Housing Act 1989 (assistants for political groups)) refer to any political activities or affiliations of candidates.

### **Even-handedness**

19. Where local authority publicity addresses matters of political controversy it should seek to present the different positions in relation to the issue in question in a fair manner.

20. Other than in the circumstances described in paragraph 34 of this code, it is acceptable for local authorities to publicise the work done by individual members of the authority, and to present the views of those individuals on local issues. This might be appropriate, for example, when one councillor has been the “face” of a particular campaign. If views expressed by or attributed to individual councillors do not reflect the views of the local authority itself, such publicity should make this fact clear.

21. It is acceptable for local authorities to host publicity prepared by third parties – for example an authority may host a blog authored by members of the authority or a public forum on which members of the public may leave comments. Maintenance by a local authority of a website permitting the posting of material by third parties constitutes a continuing act of publication by that local authority which must accordingly have a system for moderating and removing any unacceptable material.

22. It is generally acceptable for local authorities to host publicity, such as a blog, which itself contains links to external sites over which the local authority has no control where the content of those sites would not itself comply with this code. This does not amount to giving assistance to any person for the publication of material which local authorities are not permitted to publish. However, particular care must be taken by local authorities during the period before elections and referendums to ensure that no breach of any legal restriction takes place. It may be necessary to suspend the hosting of material produced by third parties or public forums which contain links to impermissible material during such periods.

23. It is acceptable for publicity containing material prepared by third parties and hosted by local authorities to include logos of political parties or other organisations with which the third parties are associated.

24. It is acceptable for publicity produced or hosted by local authorities to include a logo associated with a particular member of the authority, such as the leader of the authority. Publicity material produced by local authorities relating to a particular member must not seek to affect public support for that individual.

25. Where local authorities provide assistance to third parties to issue publicity they should ensure that the principles in this code are adhered to by the recipients of that assistance.

### **Appropriate use of publicity**

26. Local authorities should not incur any expenditure in retaining the services of lobbyists for the purpose of the publication of any material designed to influence public officials, Members of Parliament, political parties or the Government to take a particular view on any issue.

27. Local authorities should not incur expenditure on providing stands or displays at conferences of political parties for the purpose of publicity designed to influence members of political parties to take a particular view on any issue.

28. Local authorities should not publish or incur expenditure in commissioning in hard copy or on any website, newsletters, newssheets or similar communications which seek to emulate commercial newspapers in style or content. Where local authorities do commission or publish newsletters, newssheets or similar communications, they should not issue them more frequently than quarterly, apart from parish councils which should not issue them more frequently than monthly. Such communications should not include material other than information for the public about the business, services and amenities of the council or other local service providers.

29. Publicity about local authorities and the services they provide should be freely available to anyone who wishes to receive such information in a format readily accessible and understandable by the person making the request or by any particular group for which services are provided.

30. All local authority publicity should clearly and unambiguously identify itself as a product of the local authority. Printed material, including any newsletters, newssheets or similar publications published by the local authority, should do this on the front page of the publication.

### **Equality and diversity etc**

31. Publicity by local authorities may seek to influence (in accordance with the relevant law and in a way which they consider positive) the attitudes of local people or public behaviour in relation to matters of health, safety, crime prevention, race relations, equality, diversity and community issues.

32. Local authorities should consider how any publicity they issue can contribute to the promotion of any duties applicable to them in relation to the elimination of discrimination, the advancement of equality and the fostering of good relations.

### **Care during periods of heightened sensitivity**

33. Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums – see paragraphs 7 to 9 of this code. It may be necessary to suspend the hosting of material produced by third parties, or to close public forums during this period to avoid breaching any legal restrictions.

34. During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under

statute. It is permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.

35. In general, local authorities should not issue any publicity which seeks to influence voters. However this general principle is subject to any statutory provision which authorises expenditure being incurred on the publication of material designed to influence the public as to whether to support or oppose a question put at a referendum. It is acceptable to publish material relating to the subject matter of a referendum, for example to correct any factual inaccuracies which have appeared in publicity produced by third parties, so long as this is even-handed and objective and does not support or oppose any of the options which are the subject of the vote.