

## 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