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Legal and Democratic Services



## ENVIRONMENT AND SAFE COMMUNITIES COMMITTEE

**Tuesday 1 June 2021 at 7.30 pm**

**Place: Council Chamber, Epsom Town Hall**

**Link for public online access to this meeting:**

**<https://attendee.gotowebinar.com/rt/590540411109079820>**

**Webinar ID: 512-902-603**

**Telephone (listen-only): 020 3713 5022, Telephone Access code: 312-338-031**

The members listed below are summoned to attend the Environment and Safe Communities Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Neil Dallen (Chair)  
Councillor John Beckett (Vice-Chair)  
Councillor Steve Bridger  
Councillor Chris Frost  
Councillor Rob Geleit

Councillor Christine Howells  
Councillor Lucie McIntyre  
Councillor Julie Morris  
Councillor Barry Nash  
Councillor Humphrey Reynolds

Yours sincerely

A handwritten signature in black ink, appearing to read "J.C. Beldan". The signature is fluid and cursive, with a long, sweeping underline.

Chief Executive

For further information, please contact [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk) or tel: 01372 732000

## Public information

**Please note that this meeting will be held at the Town Hall, Epsom and will be available to observe live on the internet**

This meeting will be open to the press and public to attend as an observer using free GoToWebinar software, or by telephone.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection. A limited number of seats will also be available in the public gallery at the Town Hall. For further information please contact Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk), telephone: 01372 732000.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for the Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at [Democraticservices@epsom-ewell.gov.uk](mailto:Democraticservices@epsom-ewell.gov.uk).

### Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. Should any such matters arise during the course of discussion of the below items or should the Chairman agree to discuss any other such matters on the grounds of urgency, the Committee will wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

### Questions from the Public

Questions from the public are permitted at meetings of the Committee. Any person wishing to ask a question at a meeting of the Committee must register to do so, as set out below.

Up to 30 minutes will be set aside for written or oral questions from any member of the public who lives, works, attends an educational establishment or owns or leases land in the Borough on matters within the Terms of Reference of the Environment and Safe Communities Committee which may not include matters listed on a Committee Agenda.

All questions whether written or oral must consist of one question only, they cannot consist of multi parts or of a statement.

The question or topic may not relate to a specific planning application or decision under the Planning Acts, a specific application for a licence or permit of any kind, the personal affairs of an individual, or a matter which is exempt from disclosure or confidential under the Local Government Act 1972. Questions which in the view of the Chairman are vexatious or frivolous will not be accepted.

To register to ask a question at a meeting of the Committee, please contact Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk), telephone: 01372 732000.

Written questions must be received by Democratic Services by noon on the tenth working day before the day of the meeting. For this meeting this is **Noon, 18 May**.

Registration for oral questions is open until noon on the second working day before the day of the meeting. For this meeting this is **Noon, 28 May**.

## **AGENDA**

### **1. QUESTION TIME**

To take any questions from members of the Public.

### **2. DECLARATIONS OF INTEREST**

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

### **3. MINUTES OF PREVIOUS MEETING** (Pages 5 - 10)

The Committee is asked to confirm as a true record the Minutes of the meeting of the Environment and Safe Communities Committee held on 26 January and to authorise the Chair to sign them.

### **4. CLIMATE CHANGE ACTION PLAN YEAR 2 UPDATE** (Pages 11 - 42)

Climate Change is recognised as one of the leading global issues facing society today. This is shown through the Council's adoption of its ambitious Climate Change Action Plan in January 2020. This report provides an update on the targets and actions within the second year of the Council's Climate Change Action Plan.

### **5. PROTECT DUTY CONSULTATION** (Pages 43 - 48)

To agree the Council responds to the Government consultation on the introduction of a new Protect Duty, aimed at helping protect public venues and spaces from terrorist attacks.

### **6. NATIONAL WASTE STRATEGY CONSULTATIONS** (Pages 49 - 72)

The Government is consulting on elements of its Waste and Resources Strategy for England (the 'national waste strategy'). This report summarises the consultations for Extended Producer Responsibility (EPR) and Deposit Return Scheme (DRS), and the Council's proposed responses to them. The report also notes a recently-published, third consultation, Consistency of Collections (Consistency), for which responses have not yet been compiled.

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**Minutes of the Meeting of the ENVIRONMENT AND SAFE COMMUNITIES  
COMMITTEE held on 26 January 2021**

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**PRESENT -**

Councillor Neil Dallen (Chair); Councillor John Beckett (Vice-Chair); Councillors Steve Bridger, Chris Frost, Rob Geleit, Luke Giles, Steven McCormick, Lucie McIntyre, Julie Morris and Phil Neale

Officers present: Damian Roberts (Chief Operating Officer), Rod Brown (Head of Housing and Community), Ian Dyer (Head of Operational Services), Gillian McTaggart (Head of Policy, Performance & Governance), Brendan Bradley (Chief Accountant), Richard Chevalier (Parking Manager), Sue Emmons (Senior Accountant), Sarah-Jane Rogers (Environment and Sustainability Project Officer), Alex Awoyomi (Trainee Solicitor), Sarah Keeble (Democratic Services Officer) and Tim Richardson (Committee Administrator)

**44 QUESTION TIME**

No questions were raised by members of the public.

**45 DECLARATIONS OF INTEREST**

No declarations of interest were made on items on the Agenda.

**46 MINUTES OF PREVIOUS MEETING**

The Minutes of the previous Meeting of the Environment and Safe Communities Committee held on 20 October 2020 were agreed as a true record and the Committee authorised the Chairman to sign them.

**47 ENFORCEMENT AGAINST CARS IDLING**

At its meeting on the 21 July 2020, Council agreed to refer the enforcement against cars idling motion on to this Committee for consideration.

The Committee was addressed by Committee Member, Councillor Julie Morris.

The Committee received a verbal introduction from the Head of Environmental Services.

The following matters were raised by the Committee:

An amendment to Recommendation 3 was proposed by Councillor Julie Morris. This was to read:

- (3) Noted there is no case to support the introduction of further Air Quality Management Areas in the Borough based on current known data.**

From:

- (3) Noted there is no case to support the introduction of further Air Quality Management Areas in the Borough.**

The Committee agreed the amendment unanimously.

Following consideration, it was resolved that the Committee:

- (1) Noted the Motion;**
- (2) Agreed to continue with the current arrangements of the Climate Change Action Plan relating to car idling;**
- (3) Noted there is no case to support the introduction of further Air Quality Management Areas in the Borough based on current known data.**

#### 48 CLIMATE CHANGE ACTION PLAN UPDATE

Climate Change is now widely seen as one of the most prominent and urgent global issues. Recognising the Council's key role in helping to address the serious and accelerating impact of Climate Change on the environment and people's lives, full Council approved an ambitious Climate Change Action Plan at its meeting on 20 January 2020.

There is a strong commitment to Climate Change across the Council and a number of key targets have been met this year. Adjustments have also been made to the Action Plan in order to accommodate the impact of the COVID-19 pandemic and enable progress to be made where this has been possible. A green recovery is a vital component of the Council's recovery plans and work continues to take place to deliver the Climate Change Action Plan.

The Committee received a verbal introduction from the Environment Officer.

The following matters were raised by the Committee:

- a) Language:** Members noted that some of the language used on public reports may be difficult for members of the public to comprehend, and

asked that future reports use simplified terms as to be easier to understand.

- b) **On-going works:** Following a question from a Member, the Officer confirmed that any items that are not yet (or only partially) achieved will be followed up. The Local Plan will be updated with the new timetable of items.

Following consideration, it was resolved unanimously that the Committee:

- (1) **Considered and noted the progress made on the delivery of the Council's Climate Change Action Plan and Single Use Plastic Policy over the past year, a period which coincided with the COVID-19 pandemic.**
- (2) **Noted and understand that any action that has been subject to delay remains part of the Action Plan and will be completed.**

#### 49 CAPITAL PROGRAMME 2021/22

The Committee received a report summarising the proposed 2021/22 capital programme. The Committee's approval is sought for the programme to be submitted to Council in February 2021.

The Committee received a verbal introduction from the Senior Accountant.

The following matters were raised by the Committee:

- a) **Lamppost replacement:** Members noted the proposed lamppost replacement scheme. Following a question from a Member, the Officer noted that they would look into the possibility of incorporating electric vehicle charging-points within the lamppost replacement where possible.

Following consideration, it was resolved unanimously that the Committee:

- (1) **Agreed to submit the capital programme for 2021/22 as identified in section 4 of this report to the Council for approval on 16 February 2021.**

#### 50 FEES AND CHARGES 2021/22

The Committee received a report recommending the fees and charges for which this Committee is responsible, with the new charges being effective from 1 April 2021.

The Committee received a verbal introduction from the Senior Accountant.

The following matters were raised by the Committee:

- a) **Stray dogs:** Following a question from a Member, the Officer confirmed that there is currently no need for a facility for dogs within the Borough.
- b) **Fixed fees:** Following a question from a Member, the Officer noted that some of the larger pre-application schemes currently have no fixed price. This is due to the diversity of each scheme. The Officer noted that there are many considerations including resources, and the hourly rate of the Officers involved.

Following consideration, it was resolved unanimously that the Committee:

- (1) **Authorised the Chief Finance Officer to vary fees and charges for items generating income under £1,000 per annum and/or for one-off services or items;**

Following consideration, the Committee resolved with 8 Members voting for, 1 Member voting against and the Chairman not voting that:

**Subject to the approval of Council, the Committee:**

- (2) **Agreed the fees and charges for 2021/22 as set out at Appendices 1, 2, 3, 4 and 5;**

Following consideration, the Committee resolved with 8 Members voting for, 1 abstention and the Chairman not voting that the Committee:

- (3) **Agreed the Development Management Fees as set out in Appendix 3 to take effect from 1 February 2021.**

## 51 REVENUE BUDGET 2021/22

The Committee received a report setting out budget estimates for income and expenditure for Environment & Safe Communities services in 2021/22.

The Committee received a verbal introduction from the Senior Accountant.

The following matters were raised by the Committee:

- a) **Parking review:** Following a question from a Member, the Officer confirmed that the new parking metres would incorporate cash, card and a cashless service provider such as RingGo.

Following consideration, it was resolved with 8 Members voting for, 1 abstention and the Chairman not voting that the Committee:

- (1) **Recommended the 2021/22 service estimates for approval at the budget meeting of full Council in February 2021;**



- (2) Confirmed the savings options set out in section 6 for inclusion in the 2021/22 and 2022/23 budget estimates, to mitigate the Council's projected budget gap.**

*The meeting began at 7.30 pm and ended at 8.52 pm*

COUNCILLOR NEIL DALLEN (CHAIR)

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## **CLIMATE CHANGE ACTION PLAN YEAR 2 UPDATE**

<b>Head of Service:</b>	Gillian McTaggart, Head of Policy, Performance & Governance
<b>Wards affected:</b>	(All Wards);
<b>Urgent Decision?(yes/no)</b>	No
<b>If yes, reason urgent decision required:</b>	
<b>Appendices (attached):</b>	Year 1 Climate Change Action Plan Year 2 Climate Change Action Plan Update

### **Summary**

Climate Change is recognised as one of the leading global issues facing society today. This is shown through the Council's adoption of its ambitious Climate Change Action Plan in January 2020. This report provides an update on the targets and actions within the second year of the Council's Climate Change Action Plan.

### **Recommendation (s)**

#### **The Committee is asked to:**

- (1) Consider and note the targets and actions contained in Year 2 of the Council's Climate Change Action Plan including those that were partially implemented in Year 1.**
- (2) Note new targets included to best facilitate a green recovery from COVID-19 pandemic.**

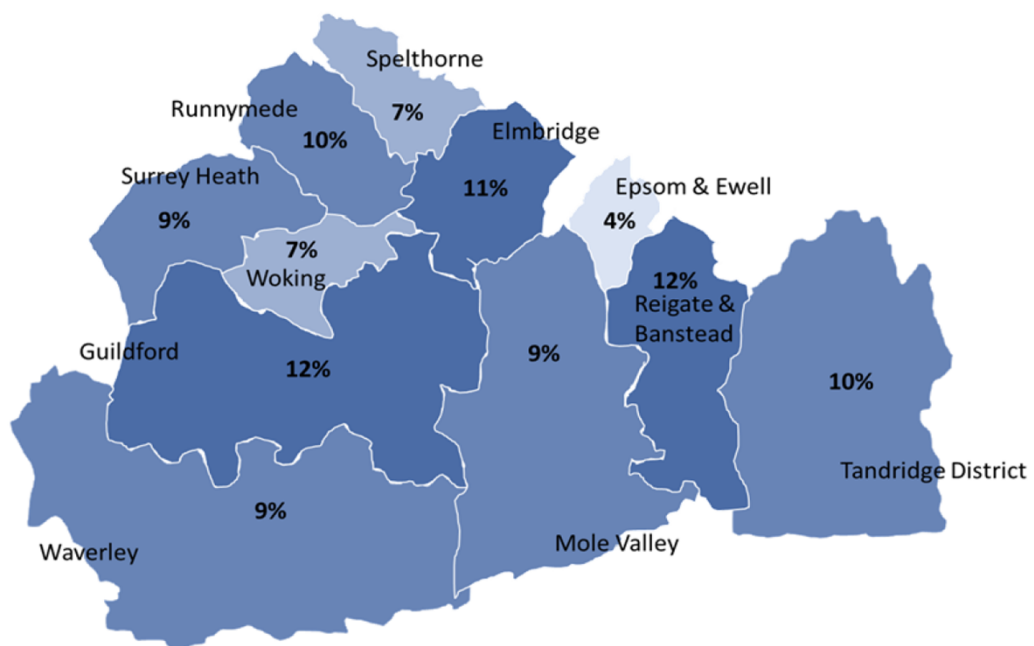
### **1 Reason for Recommendation**

- 1.1 This report provides an update on the Climate Change Action Plan since previously reported to the Committee in January 2021. It identifies those actions to be implemented in Year 2 including an update on those deferred from Year 1. Work across the Climate Change Action Plan has progressed in line with timescales set and it is anticipated that the targets set will be completed.
- 1.2 The action plan now incorporates work completed towards the Single Use Plastic (SUP) plan.

- 1.3 The reduction of carbon emissions in both the Council and the Borough is a longer term goal and the Climate Change Action Plan will be developed over time to reflect changes in guidance and support a green recovery.
- 1.4 The Action Plan recognises that the commitment to climate change and the achieving net zero by 2035 is a long term commitment. The delivery of a number of themes within the action plan will span across years.

## 2 Background

- 2.1 The focus on climate change has increased in recent years. Global climate change is a key concern, with the United Nations and the international scientific community highlighting the potentially severe global societal, environmental and economic impacts that human-made climate change pose.
- 2.2 Epsom and Ewell Borough Council has committed to their Climate Change Action Plan. This was approved by this Committee and full Council on 20 January 2020 alongside the approval of the target, that the Council would be carbon neutral by 2035. According to the Surrey Climate Commission in 2018 Epsom and Ewell produced the lowest CO<sub>2</sub> emissions per person – it is important to continue to promote this in the efforts to become net zero across the borough.



- 2.3 The Climate Change Action Plan details actions to be completed over an agreed 4-year period (2020-2024) in order to combat climate change. The Council aims to be net carbon neutral by 2035 and this is proposed through a number of themes:
  - Theme 1 - Council Leadership and influencing others
  - Theme 2 – Improvements to the environment

- Theme 3 - Council buildings and energy use
  - Theme 4 - Tackling and minimising waste
  - Theme 5 - Council transport & switching to lower polluting vehicles
  - Theme 6 - Use of technology & information systems
- 2.4 The Council's response to Climate Change will be delivered by working with and alongside residents, the business community and other key partners to ensure we are actively seeking to mitigate and adapt to climate change in the most effective way.
- 2.5 In terms of Year 1 (included in Appendix 1) as reported to the Committee in January, 63% of the targets overall were delivered and 11% or 4 were partially completed. These items were therefore included in Year 2 of the Action Plan.
- 2.6 Furthermore, continual partnership work with organisations such as the Surrey Environment Partnership and regular meetings with other Surrey local authorities has led to alternate work that will further contribute to the Council's goal of becoming net zero by 2035.
- 2.7 This includes regular waste emissions reporting with the Surrey Environment Partnership in order to provide data in the future and accurately monitor the council's ongoing emission. The Council continues to work with other Surrey local authorities which in turn provide information on current schemes/grants available to residents and any available to Council to fund potential projects.

### **3 Climate Change Action Plan Year 2**

- 3.1 In developing the Year 2 Action Plan we have taken into account those areas that were deferred or those partially completed in Year 1, due to challenges in taking it forward or because they have longer terms implications. The Year 2 Action Plan and update is attached as Appendix 2.
- 3.2 Following this a full review and update on Years 3 and 4 of the current plan will be brought to the next committee in January.

#### 4 Update on partially completed actions from Year 1

Those actions reported that were partially completed were;

- 4.1 **Develop and deliver a Local Plan and associated policies that contribute positively and demonstrate the Council's commitment to climate** - the Local Plan is essential in delivering the Council's Four Year Plan, linking closely with the Green and Vibrant priority. The new Local Plan includes site allocations relating to green initiatives. This is a longer term goal that will be implemented over a number of years. A timetable for such will be detailed and is connected with the Licensing and Planning Policy Committee. Areas which will help to develop sustainability initiatives within the Local Plan include 'decarbonising' new homes by improving energy efficiency and moving to cleaner ways to heat homes. The new timetable for the local plan has been approved.
- 4.2 **Encourage more sustainable transport options for visiting the Town Centre and trips to Schools** - encouraging sustainable transport options for visiting the Town Centre and trips to schools also has a longer term aspect and this will remain as part of the Action Plan.
- 4.3 **Promote take up of new electric pool car** - Promoting the use of the electric car is a shorter term goal but has been impacted by the pandemic with less officers using the cars. The level of take up will continue to be reviewed in Year 2 and will encourage an increase in usage.
- 4.4 **Tackle use of single use plastics at Council operated buildings and venues** - tackling single use plastics has been included within the Action Plan for Year 2 and will also be a longer term goal across the four years. Many of the initial initiatives to remove plastics from Council buildings were completed but this may have changed as a result of the Pandemic and government guidance.

A full post pandemic audit will be undertaken at each venue to identify the position and any future actions required. The use of single use plastics within the markets is being monitored and discouraged. A number of reusable bags were disseminated in marketplace to residents to reduce waste.

#### 5 Additional Targets

- 5.1 Four additional targets have been added to the Climate Change Action Plan to reflect the Council's commitment to facilitating a green recovery. These include:
  - Provide details to residents relating to how they can best help provide a green recovery
  - Increase resident engagement through an online questionnaire for residents/local groups to complete surrounding the best ways to tackle Climate Change

- Annual reporting of DEFRA Local Authority Emissions (released June each year) - these are borough emissions which are released annually and were distributed via E-borough insight this year.
- Increase communication relating to Single Use Plastics and promote reusable materials within Council owned buildings.

## **6 Deferred Targets**

- 6.1 Two targets have been deferred to Year 3 due to impact of the pandemic. This included facilitating a new car club scheme and the introduction of a Library of Things. These will be reported as part of Year 3 of the Action Plan.

## **7 CO<sup>2</sup> Emissions**

- 7.1 The Council's CO<sup>2</sup> emissions have been reducing in recent years by seeing its total emissions decrease from 363kt CO<sup>2</sup> to 240kt CO<sup>2</sup> over a 13 year period from 2005-2018. Annual energy usage within council buildings will continue to be monitored in order to promote a reduction in usage over time. The highest areas of emissions are buildings and transport.
- 7.2 100% of the Council's electricity supply is renewable and therefore produces no CO<sup>2</sup>. The supplier detailed that this switch, in line with the Council's electricity usage could reduce carbon emissions by a forecasted average of up to 208g per kWh and we will continue to monitor this. As building usage returns to normal, further energy efficiency measures will be considered. The Projects Team will be assessing feasibility of options within our buildings.
- 7.3 The Council is also reviewing Scope 3 (supply chain emissions) by ensuring that sustainability is considered throughout our procurement procedures. Officers purchasing on behalf of the Council should be aware of the Council's Climate Change Action Plan (CCAP) which incorporates single use plastic policy and the Biodiversity Action Plan.
- 7.4 Furthermore the impact on CO<sup>2</sup> emissions from our transport has also reduced significantly through the reduction in staff using their cars on business and all meetings held remotely. For instance, the calculated CO<sup>2</sup> emissions from EEBC's grey fleet was 6.70 tonnes, it is anticipated that this will be dramatically reduced as a result of the pandemic.
- 7.5 Carbon capture also plays a role in reducing our emissions and we are currently capturing this data. Nonsuch Park and Epsom Downs account for 37% of Council owned or managed open space with a further 527ha of space over 62 sites to be assessed.

- 7.6 Tree coverage and planting have been reviewed in recent months using data from the 'National Tree Map'. Currently, the Borough has approximately 30% tree cover and in our open spaces that rises to 43%. Both figures are considerably above the UK average of 13% and future tree planting continues to be reviewed in order to provide the most appropriate options for the borough. Tree planting will also be considered throughout the development of Year 3 of the plan.
- 7.7 The Surrey Carbon Baseline study has recently been issued by the Surrey Climate Commission providing an initial carbon footprint analysis. This details a range of emission data and will help to calculate baseline data in the borough. Headline figures include:
- *Epsom and Ewell was responsible for 3.4% of emissions generated by Industry and Commercial activity in Surrey (2018).*
  - *Epsom and Ewell accounts for 0.5% of Surrey emissions due to land use by District/Borough.*
  - *50% of Surrey's Carbon emissions are due to travel with 66% due to car usage.*
  - *However, Epsom and Ewell create 8% of its emissions from residents travelling to work.*

## 8 Overall progress

- 8.1 A detailed version of Year 2 of the Action Plan is included within Appendix 2 and provides an update where it is available. A subsequent update will also be provided to this committee in January.

There are a number of ongoing work streams that the Council have shown real sustainable positive improvement from across the plan, these include:

- 8.1.1 Working with a partner to implement public electric charging points. The Feasibility Study was completed in January which identified a number of suitable sites in Epsom and Ewell. The contracts are being reviewed and installation work should commence this year. This scheme would provide residents with 9 proposed EV charge points (including up to 24 individual chargers) across the borough.
- 8.1.2 Improved engagement with residents has taken place with through increased communications on climate change issues including single use plastics and energy efficiency schemes available to certain vulnerable residents. New articles are due in upcoming e-Borough insight issues relating to how residents can best help provide a green recovery and the importance of green jobs in the borough in the future.



- 8.1.3 The Council has also supported Active April to encourage residents to use the car less and use means of active travel more i.e. walking, cycling etc. This has been promoted across social media platforms for residents as a reduction of just 10 miles per week (16km) will save the planet between on average 2.7-2.9kg of CO<sup>2</sup> emissions.
- 8.1.4 Provide practical help to vulnerable and disabled people to improve energy efficiency in their homes– this has occurred via the Green Jump Surrey scheme with upwards of 60 referrals from October-Dec 2020 alone for EEBC residents to installers for energy efficient technology.
- 8.1.5 Increase recycling by private companies in the borough – schemes planned throughout the year to promote recycling across EEBC including a mixed recycling bin campaign to reduce contamination risk.
- 8.1.6 The Climate Change page on the council website is updated regularly with useful links and updates in relation to the environment and sustainability.
- 8.1.7 The Council are seeking to adopt the anti-idling powers under regulation 63 (3) of the Road Traffic Regulations 2002 to enable officers to require vehicle engines to be switched off and issue a fixed penalty notice as outlined in the report to this Committee on the 26 January 2021. A timetable is waiting to be agreed for this project. Following the approval of such, signage will be introduced in the borough.
- 8.1.8 A plan for future communication with the public has been produced including monthly themes in order to provide seasonal climate change advice and information.
- 8.1.9 Collaboration with Surrey County Council has taken place on a project in which residents can apply for collective solar panel schemes at a reduced price. Further details of such will be distributed in the coming months for installation this year.
- 8.2 The reduction of carbon emissions in both the Council and the Borough is a longer term goal and the Climate Change Action Plan will be developed to reflect changes in guidance and support the recovery from the pandemic.

## **9 External updates**

- 9.1 In terms of large scale legislation, once the proposed Environment Bill reaches an advanced stage the Council will take the necessary steps to meet requirements which include biodiversity net gains on new developments and conservation covenants.

- 9.2      Work continues with external councils in order to ensure EEBC is at the forefront of available knowledge/funding relating to climate change.

## 10 Risk Assessment

Legal or other duties

### 10.1 Impact Assessment

10.1.1 This report outlines the Council's approach to Climate Change and the risks faced locally and globally

### 10.2 Crime & Disorder

10.2.1 N/A

### 10.3 Safeguarding

10.3.1 N/A

### 10.4 Dependencies

10.4.1 The Council will work in partnership to deliver a number of actions.

### 10.5 Other

10.5.1 The delivery of the Local Plan is subject to consultation as detailed in the Local Plan timetable.

## 11 Financial Implications

11.1      Where future initiatives have a budgetary implication, they will be reported and considered by the Strategy & Resources Committee in accordance with the Financial Regulations.

11.2      Feedback from the Finance Peer review recommended that "given the Council's commitment to becoming carbon neutral by 2035, assess the costs of delivering this plan both in terms of revenue and capital."

11.3      As such, work will be progressed to assess the indicative cost of delivering the Climate Change Action Plan, which will then be reported back to Environment and Safe Communities Committee by January 2022 at the latest.

11.4      **Section 151 Officer's comments:** None arising from the contents of this report.

## 12 Legal Implications

12.1      None arising from the contents of this report.

- 12.2 **Monitoring Officer's comments:** none arising from the contents of this report.

### 13 Policies, Plans & Partnerships

- 13.1 **Council's Key Priorities:** The following Key Priorities are engaged: Green and Vibrant and supports the delivery of the Four Year Plan.
- 13.2 **Service Plans:** The matter is included within the current Service Delivery Plan.
- 13.3 **Climate & Environmental Impact of recommendations:** Climate Change is key priority throughout the Action Plan and number of targets included to help reduce emissions throughout EEBC.
- 13.4 **Sustainability Policy & Community Safety Implications:** Sustainability considered in all targets – positive implications only.
- 13.5 **Partnerships:** Surrey Environment Partnership, Surrey Climate Commission

### 14 Background papers

- 14.1 The documents referred to in compiling this report are as follows:

**Previous reports:**

- Epsom and Ewell Borough Council Climate Change Action Plan

**Other papers:**

- Council Climate Change Action Plan Update – Environment and Safe Communities Committee 26 January 2021
- Full Council Climate Change Action Plan 20 January 2020

**Other papers:**

- Enforcement Against Cars Idling – Environment & Safe Communities Committee 26 January 2021

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## YEAR 1 (2020)

	Objective	Outcomes	Timescale	Lead Officer	What this will cost and how will it will be funded	How will we measure success
	<b>THEME 1- Council Leadership and influencing others</b>					
1	Appoint, on a two year fixed term contract a dedicated full-time post, to coordinate the Council's work on climate change	Environment & Sustainability Officer in post	March 2020	Head of Policy Performance & Governance	Agreed funding for two years by S&R	Appointment to post and implementation of action plan.
2	Impact of Climate Change addressed in every Council Committee report coming forward	Climate change addressed in committee reports	May 2020	Chief Legal Officer	No cost	Plans and policies are resilient to climate change as it is considered in all relevant reports
3	The new Four Year Corporate Plan 2020-2024 to reflect the Council's commitment to Climate Change	Climate change addressed within the themes of the new Four Year Plan	Jan 2020	Head of Policy Performance & Governance	No cost	Climate change included within new Four Year Plan for 2020 to 2024
4	Develop and deliver a Local Plan and associated policies that contribute positively and demonstrate the	Bring forward a Local Plan which includes planning design policies which supports the delivery of new homes that are energy efficient with minimal environmental impact. Through partnership working bring forward the borough's first carbon	Aligned to formal published Local Plan timetable	Head of Planning	Existing budget	Local Plan & Policies approved

	Objective	Outcomes	Timescale	Lead Officer	What this will cost and how will it will be funded	How will we measure success
	Council's commitment to climate change	neutral home and gain a better understanding and knowledge of construction methods and costs. A proposal for the Council to adopt PassivhausTrust standards (or similar)				Actions that support the development of a Passivhaus Trust standards or similar considered
5	Actively seek opportunities to develop the borough's carbon neutral homes	Through the Local Plan process identify potential locations and developers to build the borough's carbon neutral homes	Local Plan formally adopted	Head of Planning	Need to assess if costs with developers	A local plan that promotes the build of carbon neutral homes
6	Work with contractors to move the electrical power to renewable sources	Write to the Council's current contractors to ask them to review their current energy suppliers and explore switching their electricity to renewable sources. Arrangements with new contractors to be designed/procured so that they use renewable energy.	Sept 2020  Ongoing	Head of Policy, Performance & Governance	May be increased costs from contractors	Contractors engaged with  Positive outcomes in terms of practice that reduces CO2 emissions
7	Provide information on Council website to promote changes which residents and businesses can make to address impact on climate change	Create a dedicated section on the Council's main website with information and links which enables residents and businesses to contribute to tackling climate change.	Oct 2020	Head of Policy Performance & Governance	New post & ICT support	Improved communication and signposting information

	<b>Objective</b>	<b>Outcomes</b>	<b>Timescale</b>	<b>Lead Officer</b>	<b>What this will cost and how will it will be funded</b>	<b>How will we measure success</b>
8	Increase communications on the impact of Climate Change with the need to reduce greenhouse gas emissions and the requirement for everyone to play their part in making a difference	Use a range of communication channels and signposting on key topics such as: Greater recycling & reducing food waste. Utilities -switch to renewable energy, smart meters, LED bulbs, PV panels, energy efficient boilers & appliances & insulation. Transport – sustainable travel, lower emission vehicles. Environmental – planting, bio-diversity & gardens, promote seasonal and locally sourced foods and more sustainable plant-based diets, reduce food waste.	Dec 2020	Head of HR & OD	New post & existing staff time	Information disseminated and shared
9	Provide practical help to vulnerable and disabled people to improve energy efficiency in their homes.	Promote and market the take up of available grants and support through the Council's Home Improvement Agency and provide energy efficiency advice through Action Surrey to vulnerable or disabled people	Nov 2020	Head of Housing & Community	Warm at Home Grant	No of grants awarded No of enquiries directed to Action Surrey
10	Review and share good practice in house building and housing management	Contact local Housing Associations to understand about what they are doing through construction of new homes and managing existing homes, to reduce CO2 emissions.	Dec 2020	Chief Operating Officer	Existing staff time	No of contacts with Housing Associations

	Objective	Outcomes	Timescale	Lead Officer	What this will cost and how will it will be funded	How will we measure success
	with local Housing Associations					
11	Promote greater take-up of the Borough's allotments	Review vacancy levels of allotments, and promote take up where required.	Dec 2020	Head of Operational Services	Staff time	Vacancy rate at allotments
	<b>THEME 2 Council building and energy use</b>					
12	Move the Council's electricity usage to 100% renewable sources	Review current energy contracts and explore opportunity and timeline to switch to fully renewable sources as early as possible.	Dec 2020	Head of Property & Regeneration	To be determined	A plan with timescales for moving to 100% renewable electricity
13	Reduce CO2 emissions in Council buildings and invest as appropriate	Incorporate reducing CO2 emissions as a criterion for the Council's capital investment programme	June 2020	Chief Finance Officer	No cost	Reducing CO2 emissions becomes a specific criteria in investment decisions
14	Addressing CO2 emissions" to be an explicit priority for action within the Council's new Asset Management Plan	Audit the CO2 emissions of Council buildings. .	Sept 2020	Head of Property & Regeneration	Staff time	Asset management decisions informed by need to tackle CO2 emissions
	<b>THEME 3 Transport improvements &amp; switch to lower polluting vehicles</b>					
15	Investigate the move to 100% of Council's use of electric vehicles	Investigate and understand any potential opportunities to progressively switch to low or zero emission vehicles	Dec 2020	Head of Operational Services	As per business case subject to current	Feedback on scope and timescales



	<b>Objective</b>	<b>Outcomes</b>	<b>Timescale</b>	<b>Lead Officer</b>	<b>What this will cost and how will it will be funded</b>	<b>How will we measure success</b>
					transport contract	
16	Encourage more sustainable transport options for visiting the Town Centre and trips to schools	<p>a) Work with Surrey County Council Highways Authority to explore options to further encourage a switch to more sustainable transport options into the Town Centre.</p> <p>b) Work with Surrey County Council Highways Authority to discourage the build-up of traffic outside schools such as piloting a “School Streets” type programme.</p>	Dec 2020	Chief Operating Officer/ Head of Policy, Performance & Governance	<p>Staff time</p> <p>Future Defra funding (tbc)</p>	<p>Options identified and explored</p> <p>Greater use of more sustainable transport options including public transport</p>
17	Increase number of safe cycle routes throughout the borough	Work with Surrey County Council to identify opportunities to improve cycling routes in the borough and /or introduce new ones reporting on progress to Environment & Safe Communities.	Dec 2020	Head of Policy, Performance & Governance	Funding to be explored	Increase in miles of safe cycle routes in the Borough
18	Encourage fewer cars per household	Investigate options to improve public transport. This action is also linked to a number of other actions outlined in Theme 3.	Oct 2020	Chief Operating Officer/ Head of Policy, Performance & Governance	Tbc	Feedback on options

	Objective	Outcomes	Timescale	Lead Officer	What this will cost and how will it will be funded	How will we measure success
19	Introduce more cycle racks/covers	Increase the number of cycle racks installed in the borough as part of the Plan E programme and apply for other funding to increase the number of cycle racks in other areas – particularly at key transport hubs.	Dec 2020	Chief Operating Officer/ Head of Policy, Performance & Governance	Plan E  Seek other funding	Bids made  Number of additional cycle racks
20	Introduce Electric Buses	Understand recent policy change from Surrey County Council and promote the idea of the borough taking part in any pilot schemes.  Contact local bus operators regarding piloting the introduction of low or zero emissions electric buses, starting with a smaller hopper bus.	June 2020	Chief Operating Officer/ Head of Policy, Performance & Governance	Tbc	Contacts made and options explored  Feedback on progress
22	Promote take up of new electric pool car	Encourage more staff from across the Council to make use of the new electric zero emissions vehicle to undertake their travel across the borough	December 2020	Chief Legal Officer	No cost	Increased usage
23	Publish DEFRA Annual Status Report with a plan of action to address areas of concerns	Publish finding and action plan and make available to the public on the council's web site.	April 2020	Head of Housing and Communities	Staff time	Annual Status Report published
<b>THEME 4 - Improvements to the environment</b>						

	<b>Objective</b>	<b>Outcomes</b>	<b>Timescale</b>	<b>Lead Officer</b>	<b>What this will cost and how will it will be funded</b>	<b>How will we measure success</b>
24	Install water drinking fountains	Install drinking water fountains in the Market Place and the Harrier Centre.	Dec 2020	Chief Operating Officer/ Head of Operations	Existing budgets for installation at market place & Harrier Centre to cover installation. Maintenance costs tbc	Two new refill stations installed
25	Tackle use of single use plastics at Council operated buildings and venues	Cease council use of single use plastics in all Council operated venues.	Dec 2020	Chief Legal Officer	Existing officer time & new post	Audit use of Single use plastics in Council run buildings
26	Understand how the Council can increase the level of carbon capture from Council owned and managed land	Develop base line data on current level of carbon (CO2) capture by using trees on land that the Council owns and manages.	Oct 2020	Head of Operational Services	Existing officer time & new software	Baseline on CO2 capture
27	Work with relevant specialist groups in the community to drive up sustainable practice both inside and outside the organisation	Parks friends groups. Tree Advisory Group. Lower Mole Partnership. E&E Local Biodiversity Action Plan Working Group.	Dec 2020	Head of Operational Services	Existing officer time	No of groups engaged

	Objective	Outcomes	Timescale	Lead Officer	What this will cost and how will it will be funded	How will we measure success
28	Council's Biodiversity Action Plan to reflect commitment to climate change	Update the Council's Local Biodiversity Action Plan 2010-2020 to cover period 2021-2031.	Dec 2020	Head of Operational Services	Existing Officer time and the potential cost of surveys costs	New Biodiversity Action Plan agreed & published on-line
29	Review implications and potential opportunities of the parliamentary Electricity Bill	Monitor the progress of the new Electricity Bill and identify future actions for the Council	On-going	Head of Policy, Performance & Governance	New post	Review undertaken
	<b>THEME 5 - Tackling and minimising waste</b>					
30	Increase recycling by private companies in the borough	a) Through new Business Bins Recycling Service. Targeted business marketing to expand take up of the new service. b) Provide branding that businesses can use to promote their recycling practice.	Dec 2020	Head of Operational Services	Part of the Enterprise & Income Generation Board targets	Number of businesses making use of the Council's business bins and recycling service
31	Promote the use of more sustainable materials in packaging	a) Contact / lobby local supermarkets regarding phasing out single use plastics, and reducing food miles. b) Promote how to reduce waste, by shifting to more sustainable packaging, greater recycling to	March 2020	Chief Operating Officer	Existing staff time	Writing to local supermarkets and encouraging greater options for customers

	Objective	Outcomes	Timescale	Lead Officer	What this will cost and how will it will be funded	How will we measure success
		local businesses (including retailers and restaurants).				
32	Utilise the new Epsom Market Place to promote sustainable practice	a) Promote use of sustainable packaging and LED lighting by market traders. b) Build on the success and embed Vegan Market to promote further behaviours that support and encourage low carbon living.	December 2020	Head of Operational Services	No cost	Guidance given to market traders  No of market traders using LED lighting  % in no of sustainable events in the Market Place
33	Increase the rollout of recycling bins in key high footfall areas of the town	Install recycling bins in the Town Centre as part of the Plan E scheme and identify other locations after assessment of performance	June 2020	Head of Operational Services	Plan E funded	No of bins installed
<b>THEME 6 Use of technology &amp; information systems</b>						
34	Reduce need for people to travel to meetings	Utilise conference technology to enable staff and partner organisations to meet virtually and reduce journeys	Dec 2020	Head of Digital & Service Transformation	Tbc	Conference technology installed
35	Rollout new low energy thin client infrastructure	Install thin client technology reducing power use	June 2020	Head of Digital & Service Transformation	Existing budget	No of thin clients installed
36	Utilise technology to change working practices, promote digital skills and	Utilise electronic systems and change the working practices to significantly reduce our reliance on paper	Dec 2020	Head of Digital & Service Transformation	Existing budget	More sustainable working practices and less reliance on paper

	<b>Objective</b>	<b>Outcomes</b>	<b>Timescale</b>	<b>Lead Officer</b>	<b>What this will cost and how will it will be funded</b>	<b>How will we measure success</b>
	improve and make the Council more paper free			/ Head of HR & OD		

## YEAR 2 (2021) – new items highlighted in Yellow.

#	Objective	Outcomes	Timescale	Lead Officer	What will this cost and how will it be funded	How will we measure success	Update
<b>THEME 1 Council Leadership and influencing others</b>							
1	Undertake an audit of Council policies to identify their impact on climate change and demonstrate that they are contributing positively to Climate Change	Complete audit of Council policies and plans to identify those that can make the greatest contribution to tackling Climate Change. Develop a programme outlining the timescale and resources for these policies to be reviewed and updated. This includes but is not limited to: Procurement Policy. Medium Term Financial Strategy. Capital Strategy. Asset Management Plan. Biodiversity Policy. Management Plans for parks and open spaces.	March 2021	Head of Policy Performance & Governance and other relevant Heads of Service	New post	All policies & documents updated and published	Biodiversity, Capital and Asset Management plans/policies have been updated to reflect the importance of Climate Change. The Procurement Policy is being updated in order to include sustainable element.
2	Increase number of sustainable	Identify opportunities for new sustainable planting	March 2021	Head of Operational Services	Existing staff time	No of sustainable	Meeting with street care team has been completed in order to

#	Objective	Outcomes	Timescale	Lead Officer	What will this cost and how will it be funded	How will we measure success	Update
	planting schemes across the borough	in parks, roundabouts, urban bedding etc.				planting schemes	review current sustainable planting systems and future of wildflower planting. Currently areas entering the borough prioritised for wildflowers and each park reviewed individually in terms of their suitability for sustainable planting. Further work highlighted by Epsom in Bloom.
3	Devise opportunities to shift away from reliance on cars to travel in the borough	Work with the Surrey County Council as the Highways Authority and other relevant providers to look at local transport infrastructure and develop a plan to support moving away from car use. Embed a culture of sustainable travel in new housing developments using sustainable travel locations.	March 2021	Head of Planning	Tbc	Policies in place	Work started with planning team on highways plans. Discussions with SCC completed around their current highway plans and what collaborative work can be completed.



#	Objective	Outcomes	Timescale	Lead Officer	What will this cost and how will it be funded	How will we measure success	Update
4	Provide information to support funerals that are ecological and environmental	Provide information & material on ecological and environmental internments.	Oct 2021	Head of Housing & Community	Dependent on outcome of review	Information signposting	Discussed with funeral staff – currently not suitable but Environment Officer to produce information relating to alternative options.
	Provide details to residents relating to how they can best help provide a green recovery	Introducing details via the Borough Insight and Climate Change Website relating to how residents/local business owners can adapt to given changes and help implement a green recovery.	March 2021	Environment and Sustainability Officer	Regular updates	Information signposting	Article completed/distributed to communications team. Due to be released in upcoming e-Borough insights in upcoming months.
<b>THEME 2 Council buildings and energy use</b>							
5	Reduce CO2 emissions in Council buildings and invest as appropriate	Based on audit provide an update on the findings with prioritised plan of action to address the highest polluting buildings.	Sept 2021	Head of Property & Regeneration	Funding for projects identified through existing budget, capital programme as agreed by members or	CO2 reduction in council buildings	Audit commenced to be circulated – important to indicate the areas with the most polluting factors. Ready to be circulated early June 2021.

#	Objective	Outcomes	Timescale	Lead Officer	What will this cost and how will it be funded	How will we measure success	Update
					external funding		
6	Reduce CO2 emissions caused by gas and other fossil fuel powered heating systems	Undertake a review of our current heating systems and identify options for tackling the highest emission buildings exploring alternative technology such as ground and air source heat pumps. Report back to Strategy and Resources outlining the findings of the review and the proposed next steps.	Sept 2021	Head of Property & Regeneration	Tbc	Report	Work has already commenced on this – heating systems to be reviewed by Projects Team.
7	Replace traditional lighting with energy efficient longer lasting LED lighting	Complete an energy survey of current lighting in Council occupied buildings to ascertain those that will reduce energy consumption. Then develop a programme based on business cases to switch all lighting to LED.	August 2021	Head of Property & Regeneration	Business cases submitted through the capital programme for determination by members	Energy surveys and funded works through capital programme	Draft feasibility study produced – to be distributed internally May 2021 for budget review in order to consider where lighting can be adapted.

#	Objective	Outcomes	Timescale	Lead Officer	What will this cost and how will it be funded	How will we measure success	Update
8	Increase use of PV panels on Council buildings	Appraise options for installation of solar panels on Council buildings through a feasibility study. then submit business case and planning permission for each building	August 2021	Head of Property & Regeneration	Feasibility study costs tbc Business case for capital bid or seek external funding	Bids considered and submitted. Agreed works through capital programme	Review of a number potential PV companies completed via draft feasibility study. Environment Officer produced budget and study to distribute to Leadership team by mid-June 2021 (awaiting further information from external sources) to review suitability for EEBC. Inclusion of long term cost/payback critical factor in choice.
<b>THEME 3 Transport improvements &amp; switch to lower polluting vehicles</b>							
9	Implement a network of public electric charging points in the borough	A) Engage with Surrey County Council as the Highways Authority to develop a proposal and plan for a network of public charging points throughout the Borough for electric and hybrid vehicles to	Dec 2021	Head of Operational Services	Costs to be confirmed	Feedback on discussions that have taken place and timescales for action for charging points on the Highway.	A feasibility study has been undertaken and identified suitable sites. This will provide up to 24 EV Charging Points across the borough. Developments via external companies

#	Objective	Outcomes	Timescale	Lead Officer	What will this cost and how will it be funded	How will we measure success	Update
		encourage the switch to hybrid and fully electric vehicles. B) Explore opportunities to install electric charging points in Council operated car parks.				Proposals and business case for charging points in Council owned car parks	and new infrastructure builds will also contribute to the number of charging points.
10	Increase walking as an alternative to car use	a) Installation of new pedestrian signs and street maps to encourage walking as part Plan E. b) Encourage residents to walk through a range of initiatives and events.	March 2021  Ongoing	Chief Operating Officer/ Head of Policy, Performance & Governance	Plan E  Existing staff time	No of new & improved signs  No of events	Active April scheme promoted and work with SCC has commenced reviewing alternative active travel events in the borough.
11	Enable more people to switch from car to bus travel	Work with Surrey County Council to complete the rollout of real time bus passenger information displayed on bus shelters to make bus travel an easier option	By Dec 2021	Chief Operating Officer/ Head of Policy, Performance & Governance	SCC costs	No of RTPI displays installed	Contact made with SCC via Climate Change group to determine their current plans relating to this– promotion of COVID-adapted safe bus travel has begun across the borough. A new government

#	Objective	Outcomes	Timescale	Lead Officer	What will this cost and how will it be funded	How will we measure success	Update
							strategy of 'Bus Back Better' has been introduced this year which also sets out the vision and opportunity to deliver better bus services for passengers across England.
12	Fine drivers who leave engine running whilst parked	Implement the #DontBeldle campaign in the borough	April 2021	Head of Operational Services	CEO's and new post	Action taken and promotion	Don't be Idle document taken to committee on 26 <sup>th</sup> January 2021 – work and signage distribution awaiting legal confirmation to provide appropriate powers for staff.
13	a) Move to zero or low emission council-owned vehicles b) Promote the use of low emission vehicles in	Understand emerging practice to promote behaviour change to driving regarding; differential parking charges and preferential parking spaces and to promote low or zero emissions vehicles.	June 2021	Head of Operational Services	Aim to be cost neutral	Update car park working group on business case	a) Review has been undertaken and waste services continues to work with external companies studying options for the Council's waste vehicles.

#	Objective	Outcomes	Timescale	Lead Officer	What will this cost and how will it be funded	How will we measure success	Update
	Council owned car parks						b) Environment Officer to review preferential parking spaces for low emission vehicles.
14	Facilitate new car club scheme	Explore how to establish a car club within the Borough and promote the greater take up of car clubs and car sharing in the borough.	March 2021	Head of Policy, Performance and Governance	To be agreed in business case	Report back to Committee on options for a car club	Delayed until Year 3 due to COVID.
	<b>THEME 4 - Improvements to the environment</b>						
15	Explore potential for land in the borough to be used for sustainable energy production	This may include locations for solar panels or wind turbines	March 2021	Head of Policy, Performance & Governance and relevant Heads of Service	Tbc	Report on options	Mapping of land to be reviewed to consider best options for solar energy. Work with solar buying schemes expected to commence in June which will be available for residents to apply for.

#	Objective	Outcomes	Timescale	Lead Officer	What will this cost and how will it be funded	How will we measure success	Update
16	Increase tree cover in the borough to enhance the Borough's biodiversity and increase carbon capture	Develop a plan to increase in tree cover in the borough where appropriate	March 2021	Head of Operational Services	Tbc	Plan	Countryside Officers have produced first internal update on this who will in turn consider the most appropriate areas for further tree planting.
17	Understand how the Council can increase the level of carbon capture from Council owned and managed land	Where possible increase the level of carbon capture that can be achieved by managing and enhancing biodiversity on Council owned land.	August 2021	Head of Operational Services	Business case for options	Increase carbon capture from Council owned land	Environment Officer continues to work with SCC who are reviewing this county wide to consider most effective options for carbon capture. Internal review of appropriate options to be distributed in August in order to consider potential next steps.
	Produce online questionnaire for residents/local groups to complete	Collate responses in order to align with our own Climate Change but allow for public opinion e.g. opinion Climate and	June 2021	Environment and Sustainability Officer	Staff time	Number of responses	Drafted waiting to be distributed – paper copies to be produced for those who require such.

#	Objective	Outcomes	Timescale	Lead Officer	What will this cost and how will it be funded	How will we measure success	Update
	surrounding the best ways to tackle Climate Change	Ecology Bill. Useful to gain local knowledge.					
	Annual reporting of DEFRA Local Authority Emissions (released June each year)	Brief reporting detailing changes in Scope 1, 2 and 3 emissions each year (for Borough Insight)	Annual	Environment and Sustainability Officer	Staff time		Expected in June. Data made available in 2020 distributed via E-Borough Insight article.
<b>THEME 5 - Tackling and minimising waste</b>							
18	Establish a "Library of Things" in the Borough	Undertake a review to understand what other councils have done in this area, what is required and best practice to operate a "Library of Things".	By March 2021	Head of Policy, Performance and Governance	Tbc	Report to Community & Wellbeing Committee	Delayed until Year 3 due to COVID.
	Increase Communication relating to Single Use Plastics and promote reusable materials within Council Owned Buildings.	Provide information via social media or another marketing means twice a month relating to this topic.	June 2021	Environment and Sustainability Officer	Staff time	Number of posts/articles	Multiple articles produced for E-borough insight and further opportunities will be used to promote reduction of SUP. Plan produced with communication team to distribute evenly throughout



#	Objective	Outcomes	Timescale	Lead Officer	What will this cost and how will it be funded	How will we measure success	Update
							next 6 months for best exposure.
<b>THEME 6 - Use of technology &amp; information systems</b>							
19	Wi-fi in the Town Centre	Identify the mechanism to secure free wi-fi in the Town Centre.  Report back on the options and next steps	June 2021	Chief Operating Officer, Head of Policy, Performance and Governance	Tbc  Identify any external funding source	Proposals	Working with BID manager to implement. This provides climate change benefits through reduction in paper use and increased connectivity.

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## PROTECT DUTY CONSULTATION

**Head of Service:** Rod Brown, Head of Housing & Community  
**Wards affected:** (All Wards);  
**Urgent Decision?(yes/no)** No  
**If yes, reason urgent decision required:**  
**Appendices (attached):** None

### Summary

To respond to the Government's consultation on the introduction of a new Protect Duty, aimed at helping protect public venues and spaces from terrorist attacks.

### Recommendation (s)

**The Committee is asked to:**

- (1) Submit a consultation response to the Government's consultation on a new Protect Duty by 2<sup>nd</sup> July 2021**
- (2) Agree the consultation response to be submitted on behalf of the Council by the Head of Housing and Community in consultation with the Chair and Vice-Chair of Environment and Safer Communities, Director Environment, Housing and Regeneration, Head of Operational Services and Head of Property and Regeneration.**

## 1 Reason for Recommendation

- 1.1 Responding to the Government's consultation will be an opportunity to influence the eventual Protect Duty.

## 2 Background

- 2.1 The UK Government's counter-terrorism strategy known as CONTEST is composed of four strands:
  - Pursue –catching terrorists before they carry out an attack;
  - Prevent – stopping people from becoming terrorists or supporting terrorism;

- Protect – making infrastructure and similar targets less vulnerable to attacks;
  - Prepare – planning responses in the event of an attack.
- 2.2 The nature of the threats from terrorism continue to evolve. Attacks in recent years have taken place in open spaces, requiring a shift in emphasis from protecting a small number of iconic sites, to protecting a larger number of public sites.

### **3 Consultation**

- 3.1 The Government notes that, with some exceptions (for instance on transport security and for certain sports grounds), there is no legislative requirement to consider or implement security measures at publicly accessible locations.
- 3.2 In preparing to introduce a new legal Protect Duty, the Government is consulting to determine the scope and content of the duty. The consultation ends 2<sup>nd</sup> July 2021.
- 3.3 Details of the consultation are available through the government website here: <https://www.gov.uk/government/consultations/protect-duty>.
- 3.4 The consultation is wide ranging with proposals under four broad themes:
- 3.4.1 Who should the legislation apply to?
- a) Public venues – owners and/or operators of publicly accessible venues with a capacity of 100 persons or more.
  - b) Large organisations - employing 250 staff or more that operate at publicly accessible locations.
  - c) Public spaces – such as public parks, bridges, market places and pedestrian areas.
- 3.4.2 What should the requirement be?
- a) For large organisations and public venues to make use of available information and guidance provided by the Government (including the police) to consider terrorist threats to the public and staff at locations they own or operate.
  - b) Assess the potential impact of these risks across their functions and estate and through their systems and processes.
  - c) Consider and take forward “reasonably practicable” protective security and organisational preparedness measures, including staff training and planning responses in the event of an attack.

3.4.3 How should compliance work?

- a) For public venues risk assessments should demonstrate the range of threats considered, steps taken to mitigate risks and steps taken to prepare for and /or respond in the event of an attack and if steps have not been taken the reasoning why.
- b) Organisations in scope should record and retain risk assessments and subject to review.
- c) Compliance for public spaces will be dependent on discussions to determine what would constitute appropriate legislative requirements in these areas.
- d) It is proposed that an inspection regime is likely to be required to ensure the new duty is being adhered to.

3.4.4 How should government best support and work with partners?

- a) In addition to the already established governmental organisations providing security advice, the proposals include for additional information being available regarding threat and attack methodologies, understanding and managing risk, information on mitigating threats and other bespoke support.

3.1 The proposals suggest that a requirement for local authorities and other relevant partners for public spaces could include:

- Developing local strategic plans to mitigate the risks and impacts of terrorism.
- Implementing proportional measures to improve public safety and security.
- Establishing clear roles and responsibilities for local partners.
- Working with key partners to consider how a security plan would operate in priority local areas.

## **4 Risk Assessment**

### Legal or other duties

#### 4.1 Impact Assessment

- 4.1.1 Should the council not act in accordance the eventual Protect Duty there could be legal, financial and reputational risks to the council.

4.2    Crime & Disorder

4.2.1    There are clear implications for crime and disorder surrounding the introduction of the new duty to protect. The Epsom and Ewell Community Safety Partnership will be consulted on the proposals set out in the consultation.

4.2.2    The Chairs of the Safety Advisory Group will also consider the implication of this new duty.

4.2.3    Organisations, businesses and faith and other groups may also be impacted by the new Protect Duty and officers will ensure they are aware of the current consultation.

4.3    Safeguarding

4.3.1    There are mechanisms already available to the council for the sharing of relevant information about individuals or locations where there could be concerns associated with terrorist activity. There are no new additional impacts envisaged from this new duty.

4.4    Dependencies

4.4.1    The outcome of the government's consultation process may give rise to further changes in the proposals being considered

**5    Financial Implications**

5.1    It is anticipated that there would be financial implications resulting from the imposition on a new duty to protect on local councils. There could be increased costs associated with measures deemed reasonably practicable designed to mitigate new risks identified and staff training costs associated with any such duty.

5.2    **Section 151 Officer's comments:** Financial implications will need to be assessed and addressed once any new duty is finalised. The Council's consultation response will include feedback that any new responsibility ought be backed by appropriate government funding.

**6    Legal Implications**

6.1    The Council would need to comply with any new Protect Duty should the duty apply to the Council and either an employer, owner of any applicable venue or public space.

6.2    **Monitoring Officer's comments:** none arising from the contents of this report.

**7    Policies, Plans & Partnerships**

7.1    **Council's Key Priorities:** The Safe and Well Key Priority is engaged.

- 7.2    **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 7.3    **Climate & Environmental Impact of recommendations:** None anticipated.
- 7.4    **Sustainability Policy & Community Safety Implications:** It is anticipated that the introduction of a new Protect Duty would have implications for the Epsom and Ewell Community Safety Partnership and the joint working of statutory partners involved in the partnership.
- 7.5    **Partnerships:** The Council is statutory partner along with Surrey Police, The Epsom Business Improvement District and others in the Epsom and Ewell Community Safety Partnership.

## 8    **Background papers**

- 8.1    The documents referred to in compiling this report are as follows:

**Previous reports:**

- None

**Other papers:**

- The Government consultation on the new Protect Duty can be seen here: <https://www.gov.uk/government/consultations/protect-duty>

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## NATIONAL WASTE STRATEGY CONSULTATIONS

<b>Head of Service:</b>	Ian Dyer, Head of Operational Services
<b>Wards affected:</b>	(All Wards);
<b>Urgent Decision?(yes/no)</b>	Yes
<b>If yes, reason urgent decision required:</b>	Deadline for EPR and DRS consultation responses is 23:45pm on Friday 4 June 2021. Deadline for Consistency consultation response is 23:45pm on Sunday 4 July 2021 – see report recommendation 4 re. separate approval arrangements
<b>Appendices (attached):</b>	Annexe 1: summary of EPR consultation responses. Annexe 2: summary of DRS consultation responses

### Summary

The Government is consulting on elements of its Waste and Resources Strategy for England (the 'national waste strategy').

This report summarises the consultations for Extended Producer Responsibility (EPR) and Deposit Return Scheme (DRS), and the Council's proposed responses to them.

The report also notes a recently-published, third consultation, Consistency of Collections (Consistency), for which responses have not yet been compiled.

### Recommendation (s)

**The Committee is asked to:**

- (1) Comment on the summaries to the Council's EPR and DRS consultation responses, as annexed to this report.**
- (2) Authorise the Head of Operational Services to submit the Council's EPR and DRS consultation responses, taking account of the Committee's comments and subject to the final approval of the Chair and Vice Chair.**
- (3) Note the Consistency consultation.**
- (4) Authorise the Head of Operational Services to draft and submit the Council's Consistency consultation response subject to the delegated approval of the Chair and Vice Chair.**

## 1 Reason for Recommendation

- 1.1 These are statutory public consultations on elements of the national waste strategy that have direct and significant relevance to local authorities responsible for waste management.
- 1.2 The EPR and DRS consultations were published on 24 March and have deadlines for response of 23:45pm on Friday 4 June.
  - 1.2.1 The substantive EPR and DRS responses are complete. Summaries are annexed to this report.
- 1.3 The Consistency consultation was published on 7 May and has a deadline for response of 23:45pm on Sunday 4 July.
  - 1.3.1 Because it was only recently published, the Consistency response remains in progress, and has a later deadline. Therefore, a summary cannot be annexed to this report, and a separate approval process is proposed as per recommendation (4).
- 1.4 These consultations are full, public consultations to which any person or body may respond.
- 1.5 Links to the consultations, and to the full national waste strategy, are provided at the end of this report (section 7 'Background papers').
- 1.6 It may be noted that the standard twelve-week consultation period has been shortened to just over ten weeks for the EPR and DRS consultations, and to just eight weeks for Consistency. The government has stated that it is not possible to extend the consultations because time is tight to launch the initiatives concerned. Therefore, the government has refused repeated requests (including from the Surrey Environment Partnership) to provide the full twelve-week consultation period.

## 2 Background

- 2.1 Government published its national waste strategy ('Our Waste, Our Resources: a Strategy for England') in December 2018. It included two elements in line with the 'polluter pays' principle – Extended Producer Responsibility (EPR) and the Deposit Return Scheme (DRS):
  - 2.1.1 **EPR:** producers of packaging are to pay for its subsequent collection in councils' recycling, refuse and litter collections.  
  
A 'modulated payments' system will incentivise low-volume, easy-to-recycle packaging with a high content of recycled materials.
  - 2.1.2 **DRS:** producers place deposits on drinks containers – cans, glass bottles and certain plastic bottles. Consumers will be able to redeem the deposits after use via 'Reverse-Vend Machines' in supermarkets and shops, etc.

In a modern twist on the old 'pop man' idea, online retailers may be obligated to collect used drinks containers that they sold you, and give you the deposit.

Government is consulting on two potential versions of DRS:

- 'On-the-go': designed to combat littering.
- 'All-in': also covering drinks containers consumed at home.

2.2 Government first consulted on EPR and DRS in 2019. The Council's responses were approved by the Chair under delegated authority. In summary:

2.2.1 **EPR:** supported overall, subject to councils receiving full payments for packaging waste collected, via simple and transparent payment systems that are sympathetic to the needs of two-tier council areas.

2.2.2 **DRS:** neither supported nor unsupported overall.

DRS is complex, expensive and unproven in a UK context. High current kerbside recycling capture rates for drinks containers mean that 'all-in' would be largely substitutional for a system that works well already, and could prompt an increase in car journeys.

DRS runs counter to the waste hierarchy (reduce, reuse, recycle) by placing a financial incentive on recycling and thereby stimulating consumption rather than discouraging it.

Consequently, the Council response was equivocal, calling for a UK pilot before any decision and arguing that, if any DRS were introduced, it should be confined to 'on-the-go' and not 'all-in'.

2.3 These second, more technical, consultations on EPR and DRS were due in 2020 but were heavily delayed by the pandemic. However, we note that launch timelines are relatively unchanged, and many timelines are now very aggressive.

2.3.1 **EPR:** this second consultation asks many questions. It is largely technical, but also adds detail on some elements such as a retailer take-back scheme for disposable coffee-cups, and proposals for mandatory labelling (do or don't recycle).

Again, officers propose that the Council is largely supportive, while repeating the need for full, independent, simple and transparent cost mechanisms, and questioning launch timelines.

Annexe 1 provides a summary of the EPR consultation and proposed responses.

- 2.3.2 **DRS:** officers remain sceptical of its efficacy in a UK context, and concerned by cost, complexity and potential for confusion (to consumers, producers, retailers and councils).

DRS has been described by the Environmental Services Association as ‘the Emperor’s new clothes’. Some feel that the effects of EPR and the ‘Consistency of Collections’ element of the national waste strategy (see below para. 2.4) should be assessed first before any potential need for DRS is considered.

The proposed Council responses reflect these concerns and assert the need for efficient and effective systems if any DRS scheme is introduced. Again, our proposed responses reflect the belief that the case for DRS is yet to be proven. But, if any DRS is introduced, we have argued again that it should be ‘on-the-go’ and not ‘all-in’.

Annexe 2 provides a summary of the DRS consultation and proposed responses.

- 2.4 As noted above, Consistency is a third, major element of the national waste strategy. It is important that the Council also responds to this:

2.4.1 Consistency deals with what, and how, councils should collect for recycling. It proposes, for example, to obligate collections of foil, foil trays, plastic films/flexible packaging (e.g. crisp packets/pet food pouches) and cartons (e.g. TetraPak®) – none of which are easily recyclable now. And it consults on proposals for ‘free’ garden waste collections.

2.4.2 Regrettably, the Consistency consultation was further delayed and was only finally published on 7 May (with a response deadline of 4 July). This is problematic because there are synergies between all three strategies. For example:

- EPR underlines the Consistency strategy of councils collecting foil/plastic films etc.
- Combined, EPR, DRS and Consistency could significantly affect how much, and what types of, waste councils are required to collect in the future (and therefore how we should structure and resource our collections).
- EPR and Consistency will have a major impact on the need for reprocessing capacity, especially for newly-obligate waste (foil etc.) that is currently hard to recycle now, and hopefully within the UK.

2.4.3 Because of the heavily-delayed Consistency consultation, and the sheer size of the consultations (all combined amount to over 600 pages and some 260 questions), at the time of writing it has not yet been possible to fully assess where any adjustments may be pertinent within EPR and DRS responses in order to properly synchronise with Consistency. Officers are continuing that exercise in order to ensure that responses to EPR and DRS are as fully-formed as possible before submission on 4 June.

2.4.4 The delayed publishing and 4 July response deadline of the Consistency consultation does synchronise with the Committee's schedule. Therefore, this report proposes that the Council's Consistency consultation response, which will be drafted by officers in due course, is instead approved by the Chair and Vice Chair by delegated authority (see recommendation 4).

2.5 Summaries of the consultations: Annexes 1 (EPR) and 2 (DRS):

2.5.1 Full draft consultation responses have been provided to the Chair and Vice Chair. However, because of the significant size of the consultations; the number and technical nature of the questions and the issue highlighted in para. 2.4.3, above, the full draft consultation responses are not reproduced here. Instead, they are summarised in the Annexes so that the Committee can understand and comment on the key themes.

2.5.2 Therefore, this report proposes that officers are authorised to respond to the consultations in detail, in line with the summaries and any Committee comments, with the approval of the Chair and Vice Chair.

### **3 Risk Assessment**

Legal or other duties

3.1 Impact Assessment

3.1.1 It is not yet possible to fully understand the impacts of these changes. Proposals remain in consultation. For DRS in particular, we believe that there is a great deal to be understood about its efficacy. Some bodies believe that DRS will drive high recycling; others consider it will be confusing and regressive.

3.2 Crime & Disorder

3.2.1 None for the purposes of EPR.

3.2.2 However, our proposed DRS responses include reference to the threats of theft and fraud. These arise from digital-DRS proposals ('scan and throw') and the possibility of theft of DRS containers from residents' bins.

3.3    Safeguarding

- 3.3.1    In respect of DRS, vulnerable residents may feel threatened by theft of DRS containers from bins. As mentioned above, this is commented on in our responses.

3.4    Dependencies

- 3.4.1    EPR, DRS and Consistency will combine to drive consumer behaviour and changes to council waste collections and funding.

3.5    Other

- 3.5.1    All councils will need to consider how these strategies might, and will, change the types and volumes of waste we collect. All impacts and risks flowing from this – such as the health and safety of operatives – will be considered in the normal way.

**4    Financial Implications**

- 4.1    Both EPR and DRS propose alternative funding methods for council collections of packaging waste and drinks containers. Government expects business to take over funding portions of our collections, rather than that money coming from Council Tax.
- 4.2    It is important to note that this is not new, or more, money. It is simply money from a different source with the purpose of stimulating less waste and more recycling.
- 4.3    Our consultation responses stress the need for councils to be fully funded by the EPR changes. We have highlighted the risk that government's modelling approach to calculating producer payments (as opposed to calculating the actual costs for each council) risks a shortfall versus current funding.
- 4.4    In any event, a key risk of both EPR and DRS is that councils may collect less recycling, and so be able to obtain less income from recycled materials. There may be a balancing benefit from reduced collection costs, but:
- 4.4.1    The effect on collection costs cannot be assessed until we see the outcomes and actual effects of EPR, DRS and Consistency.
- 4.4.2    We will still need to visit each household to collect some recycling. The overheads (vehicles, fuel, staff, bins) needed to do so mean that a % reduction in packaging waste may not result in the same % reduction in collection costs.

- 4.5 We note the proposed obligation to collect new packaging materials (plastic pouches, etc.). In principle, any additional costs arising from new burdens such as this would be accommodated by the government's New Burdens doctrine. The impacts of any such changes will need to be assessed within any overall changes to collection services (including any requirements within Consistency).
- 4.6 We note that government proposes to pay councils that offer "efficient and effective" collections, but has yet to state what this means. We have also argued for a minimum payment to be made in any event, in view of our statutory obligations and need for budgetary stability.
- 4.7 **Section 151 Officer's comments:** The Government's Waste and Resources Strategy is expected to result in a significant change to the way in which local authorities receive funding for recycling, refuse and litter collection. The Finance team will work with Waste colleagues to ensure that the financial impact of any change is quantified and built into the budget setting process. The Council's consultation response will include feedback that any new responsibility ought to be supported by appropriate funding. Legal Implications

## 5 Legal implications

- 5.1 The waste strategies will be introduced by way of a series of primary and secondary legislation on waste resource efficacy. That includes the Environment Bill that, by the time the Committee meets, is expected to have passed the Parliamentary Report stage. The Council will comply with new and changing requirements once they become law.
- 5.2 These are public consultations. There is no obligation to respond; however, the Government's waste strategies have important implications for the Council. By participating in the consultations and tracking the passage of the Bill through Parliament the Council will gain important insight into, and contribute to the debate about, future changes in waste management requirements.
- 5.3 **Monitoring Officer's comments:** None arising from the content of this report.

## 6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged: Green and vibrant.
- 6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan, which will require review once we know the outcomes of the national waste strategy.

6.3    **Climate & Environmental Impact of recommendations:** The national waste strategy aims to increase recycling and reduce waste:

6.3.1    While the proposed consultation responses express reservations in some areas, it seems reasonable to expect that the strategy will achieve those aims.

6.3.2    But that does not necessarily mean that councils' recycling rates will rise. It follows that, if there is less packaging waste, and if DRS does divert drinks containers away from our bins, councils could actually see lower recycling rates than we see now.

6.3.3    Government will need to measure all of the strategy elements, combined, in order to measure success.

6.4    **Sustainability Policy & Community Safety Implications:** As above, the national waste strategy aims to improve sustainability. However, we must again assess the wait to see the combined effects will be, and how the Council will be affected individually.

6.5    **Partnerships:** As well as compiling Borough consultation responses, officers have worked with the Surrey Environment Partnership (SEP) to compile overall SEP responses.

It may be noted that, while there are some differences reflecting local views or interpretations, in general the responses are very closely aligned and are not different on overall thrust or direction.

As for the first consultations in 2019, SEP has been very clear in its recommendation that all boroughs and districts should also submit individual responses, so that the full range of views can be represented.

## 7    **Background papers**

7.1    The documents referred to in compiling this report are as follows:

### **Previous reports:**

- None.

### **Other papers:**

- Government's has published its full national waste strategy paper online:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/765914/resources-waste-strategy-dec-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765914/resources-waste-strategy-dec-2018.pdf)



- Government has published its full consultation and Impact Assessments online:

EPR:

<https://www.gov.uk/government/consultations/packaging-and-packaging-waste-introducing-extended-producer-responsibility>

DRS:

<https://www.gov.uk/government/consultations/introduction-of-a-deposit-return-scheme-in-england-wales-and-northern-ireland>

- The New Burdens doctrine is also published online:

<https://www.gov.uk/government/publications/new-burdens-doctrine-guidance-for-government-departments>

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## Annexe 1: summary of EPR consultation responses

### Overview

Extended Producer Responsibility (EPR) follows the 'polluter pays' principle, and extends existing producer responsibility rules. There was much support for EPR in its first consultation in 2019.

Through EPR govt wants to achieve:

- Less unnecessary packaging.
- Packaging design improves: it becomes easier to recycle and is made of more recycled materials.
- People find it easier to know if they can recycle it (better labelling, easily-understood recycling options).
- Less litter from discarded packaging.
- The people who create the packaging (the producers) pay for it to be collected after use.

EPR is designed to complement other elements of the national waste strategy, in particular the Deposit Return Scheme (**DRS**)<sup>1</sup> and Consistency of Collections (**Consistency**)<sup>2</sup>, and the Treasury's separate Plastic Packaging Tax, which has already been approved.

<sup>1</sup> Deposit Return Scheme (DRS) is a separate proposal that many types of drinks containers should be returnable via special recycling machines (e.g. in supermarkets), with the consumer getting a small deposit back (likely to be around as 20p per container) as a reward. Like EPR, the consultation for DRS was published on 24 March, with responses due by 4 June.

<sup>2</sup> Consistency of Collections (Consistency) is the part of the national waste strategy that deals with what, and how, councils should collect recycling. A second consultation on Consistency was published on 7 May (six weeks after the consultations for EPR and DRS), with responses due by 4 July.

### The Council's response to the first consultation in 2019

The Council supported EPR overall, subject to councils receiving full payments for packaging waste collected, via simple and transparent payment systems that are sympathetic to the needs of two-tier council areas.

### What packaging is covered by the proposals?

The current producer responsibility system already covers **consumer-facing packaging** i.e. primary packaging (what touches or wraps the product) and household delivery packaging (e.g. Amazon boxes).

EPR proposes to extend that to include **transit packaging** as well (e.g. business to business bulk shrink-wrapping), and plastic films. And it proposes to extend EPR to **disposable cups** via a take-back scheme (i.e. coffee shops forced to have a take-back scheme both inside and outside each shop that would accept any cup, not just their own brand).

EPR does not propose to cover drinks containers that will be in scope of the Deposit Return Scheme (**DRS**). DRS will bring its own requirements to those containers (see separate consultation).

## **The key proposals**

The proposals cover both household and business packaging waste.

Producers will pay for councils to collect packaging in recycling, refuse and litter collections. Producers will pay less if their packaging is easier-to-recycle and/or has greater recycled content. This is designed to increase recycling and reduce overall packaging waste.

Producers will be able to net the value of the recycled waste off their payments to councils. Essentially, this mirrors current arrangements whereby councils pay for the costs of collections but are able to reduce the cost by selling the collected recycling (see below for a further comment on this aspect within Surrey in particular).

There will be mandatory new labelling – including stating whether the packaging is not recyclable. The Environmental Services Association has stated that clear, mandatory labelling – that is consistent across EPR and the proposed, new Deposit Return Scheme – is one of the most important factors for the success of these new strategies. Consumers must find it easier to know what, and how, to recycle if we are to move forward substantially.

There is a proposal for mandatory take-back schemes for disposable cups (e.g. take-back points both inside and outside coffee shops).

There is an overlap with the Consistency of Collections strategy: through EPR councils will be paid to start collecting foil, plastic films (bags, crisp packets, pet/baby food pouches) and cartons. But there are questions over when that will be reasonable.

## **Will residents pay less?**

EPR means that producers will pay the majority (but possibly not all) of councils' packaging collection costs (packaging in kerbside recycling, refuse bins and litter.). So there should be less Council Tax burden for residents for packaging waste collections.

That doesn't mean residents will pay less overall. Prices in the shops may rise to accommodate producers' EPR costs. What residents might gain in Council Tax they'll probably pay at the point of purchase. And some have raised concerns that EPR's contributions to litter-collection costs in some key locations (e.g. around dual carriageways, on private land and the coast) may add significant extra cost that consumers will pick up at the point of purchase.

Such features could make EPR regressive, with product price rises greater than benefit-discounted Council Tax reductions for the poorest. However, EPR does aim to reduce overall costs by reducing overall levels of packaging and making it more recyclable.

## How will this impact the Council?

EPR is likely to work alongside govt's Consistency and DRS strategies to reduce the amount of waste councils must collect, and make what we collect more recyclable. It seems that govt expects EPR to do much of the work in this respect, through better packaging design – indeed, the word 'opportunity(ies)' appears in the EPR consultation ten times more than it does in the Consistency consultation (which speaks much more of burdens).

It is important to remember that EPR will only fund that portion of councils' collection costs associated with packaging waste. Other types of collections, such as food waste, garden waste or non-packaging refuse and recycling, will still need to be funded from traditional sources e.g. Council Tax. And this is not new, more money. It's just money coming from a different source.

## What's in this second consultation?

The index of sections below highlights the subject areas being consulted on.

The consultation covers a very wide and detailed spectrum. Some questions are technical, and of fairly low direct relevance to councils, e.g. how producers interface with the regulator, or assessing the burdens on online marketplaces. We do not always have sufficient knowledge (or, in some cases, reason) to respond.

Other questions are highly relevant to councils, e.g. proposals on mandatory labelling; how should councils be paid?; should councils get paid for collecting packaging waste within litter?; should council payments be linked to recycling quality, or street-cleansing standards?; should councils be forced to collect plastic film?

Throughout the responses, we are arguing for simplicity, transparency and for councils to be paid as fully as possible for their packaging collection operations (in recycling, refuse and litter). It is essential that councils' finances are not impacted negatively by these changes.

## Index of question sections

- Section 1. What government wants to achieve: packaging waste recycling targets
- Section 2. Producer obligations for full net cost payments and reporting
- Section 3. Producer obligations: disposable cups takeback
- Section 4. Modulated fees, labelling and plastic films recycling
- Section 5. Payments for managing packaging waste: necessary costs
- Section 6. Payments for managing packaging waste from households
- Section 7. Payments for managing packaging waste from business
- Section 8. Payments for managing packaging waste: data and reporting requirements
- Section 9. Payments for managing packaging waste: reporting and payment cycles
- Section 10. Litter payments
- Section 11. Scheme administration and governance
- Section 12. Reprocessors and exporters
- Section 13. Compliance and enforcement

## General themes of the Council's responses

1. We remain generally supportive. The proposals follow the 'polluter pays' principles and are reasonable in intent. We agree that both domestic and business waste should be in scope of EPR.
2. Government is promising 'Full Net Cost Recovery' whereby producers pay the Borough's packaging collection costs. But it acknowledges that doing so will be complex, so proposes a payment modelling process. We are concerned this could lead to less than Full Net Cost Recovery and a continuing burden on Council Tax payers.
3. We are generally supportive of proposed payment processes, and what they might cover:
  - a. We have stressed the need for simplicity, timeliness and transparency in payments to councils. And for the Scheme Administrator to be independent of producers (as opposed to a business-run compliance scheme).
  - b. We need to understand how process for the netting of material values off the money producers pay to councils will work in Surrey's two-tier situation, where currently the Borough collects the waste but Surrey County Council owns the risk and reward of its market value.
  - c. Government says payments will be made for "efficient and effective" collections. It seems reasonable that producers would not wish to pay for collections that are not. But we need clear guidance on what "efficient and effective" means. We assume a link to the Consistency strategy, but that is not explicitly stated.
  - d. We have argued that, in any event, councils should be guaranteed a minimum proportion of their costs in view of our statutory duty to collect and need for budgetary stability.
  - e. We are concerned that proposed street cleansing quality thresholds for litter collection payments could require significant resources to measure.
  - f. We agree that community litter-picking groups should be able to bid for funds from EPR.
4. We are generally supportive of proposal for how EPR should be administered:
  - a. But we have argued that the Scheme Administrator should be independent of producers.
  - b. And we have argued that its functions should be largely dictated by government (as opposed to a heavy reliance on tendered proposals). We have responded that we need to know more before we can comment authoritatively.
  - c. We have argued that the term of the Scheme Administrator contract should be long enough to provide certainty for it, producers and councils.
  - d. We have expressed concern that the timeline for setting up the Scheme Administrator is highly ambitious (see also point 13).

- e. We are concerned about longer-term 'zoning/franchising' proposals for the collection of business packaging waste (certain waste collections contractors being permitted to operate in specified geographical zones). These seem anti-competitive and ignore councils' own business waste collections.
- 5. We have argued for strong, transparent, regulated compliance enforcement with meaningful penalties.
- 6. We support proposals to obligate online marketplaces under EPR, because they have significant market impact.
- 7. We support proposals that certain products must be sold in reusable packaging, and that the Scheme Administrator must invest in the development of reuse systems.
- 8. While we support the introduction of a mandatory disposable paper cup (e.g. coffee cups) retailer take-back scheme, we comment that these remain hard to recycle so would be better banned in favour of easier-to-recycle products.
- 9. We support proposals for mandatory labelling (do/do not recycle) on the proviso that they are consistent across all producers and across the Deposit Return Scheme as well.
- 10. We are concerned to ensure that the difficulties of recycling bio-plastics are reflected in labelling regulations:
  - a. Consumers understandably see them as similar to standard plastics, and recycling confusion can arise. But their recycling processes are not complementary and they must be disposed of separately.
  - b. Therefore, labelling must be clear (do not recycle).
  - c. We are concerned by proposals for the recycling of bio-plastics at 'closed-loop' events such as bounded music festivals, which present the threat of bio-plastic 'leaking' into standard plastic recycling systems.
- 11. We are concerned that new materials, such as cartons and plastic films/pouches, should become in scope of EPR until stable and cost-effective recycling markets have been developed. We should not collect something 'for recycling' if it actually can't be. And any new collections (including effects of the Consistency strategy) must be subject to assessment under the New Burdens doctrine.
- 12. EPR will require new waste sampling regimes (to identify what packaging is being collected, including with refuse and litter) but we have been unable to offer views on some questions around this until more detail is known and cost/operational implications can be assessed. Note: this will affect Surrey County Council more than the Borough, because sampling is suggested to take place at tips.
- 13. We are concerned by the launch timeframes. This is a big, complex project that involves new legislation, the setting up of a brand-new Scheme Administrator and has many implications for producers and councils. Government has (understandably) delayed this second consultation by over a year, but the project timescales have not

changed. One industry body has called the timescales “absolutely bonkers”. We, too, are concerned that the lead times are simply too short to be practicable.

END.



## Annexe 2: summary of DRS consultation responses

### Overview

DRS does not follow the 'polluter pays' principle. Rather, with DRS the consumer pays. Further, DRS fails to follow the waste hierarchy (reduce, reuse, recycle) because it provides a clear incentive to default straight to recycling. And it promotes increased car journeys and/or online collection rounds.

With the Deposit Return Scheme (DRS) consumers can take certain drinks containers to dedicated return points ('Reverse-Vend Machines', in supermarkets, for example) to get a deposit back (probably 20p per container). Smaller venues, such as corner shops, may not have room for Reverse-Vend machine but could still be obligated (if they sell drinks in DRS-eligible containers) to host small, manual return points.

The scheme is conceived to recycle:

- ✓ Cans
- ✓ Glass bottles
- ✓ PET plastic bottles (clear, crinkly ones such as fizzy drinks bottles)
- ✗ HDPE plastic bottles (opaque, such as milk bottles) are unlikely to be in scope. Government is concerned by the predominance of milk products in HDPE and consequent hygiene issues in Reverse-Vend Machines

Government acknowledges that headline recycling rates for drinks containers are already high (it quotes 70-80%). But these figures do not include 'on-the-go' waste (as opposed to drinks consumed at home). It is suggested that 'on-the-go' recycling may be as little as 7-8% only.

The Litter Strategy for England concluded that DRS would increase drinks container recycling by 20%, which it links with improved litter behaviour. In particular, drinks containers are stated to be a key feature of beach litter (but not generally elsewhere), and Keep Britain Tidy believes that drinks container litter at beauty spots normalises general littering.

Indeed, DRS was originally conceived and developed as an anti-litter, 'on-the-go' strategy. However it has since been re-conceived as a potential 'all-in' scheme as well.

Undoubtedly, DRS will have huge impacts for retailers, in terms of the siting of Reverse-Vend Machines (or manual collection points in smaller shops), waste management, supply chains, labelling, signposting etc.

### Scheme options

Government is consulting on two scheme options:

- 'all-in' (including drinks containers of most sizes consumed at home)
- 'on-the-go' (restricted to containers and sizes typically consumed away from home)

## **The Council's response to the first consultation in 2019**

In 2019 the Council was equivocal to the idea of DRS as a whole.

DRS will be very expensive and complex to administer, The 'Reverse Vend Machines' at supermarkets etc. will cost around £30,000 each, plus annual servicing costs – and the scheme envisages having 30,000 of them across the UK.

And while government's Impact Assessment suggests high recycling rates (e.g. 85% of in-scope containers shifting from kerbside recycling to DRS) we were concerned that that is unproven in the UK. Most DRS experience is in northern Europe, where kerbside recycling is either not present or not heavily established in the way that it is in the UK.

Consequently:

- We stated that we wished DRS to be piloted in the UK before any commitment is made.
- In any event, if DRS does go ahead, we stated that our preference would be for 'on-the-go' and not 'all-in'. Existing high kerbside recycling rates, and the comments of the Litter strategy and other bodies, suggest that DRS is not needed to stimulate home recycling, and is best-suited as an anti-litter strategy. Indeed, DRS was originally conceived as an anti-litter strategy, and there do not seem to be compelling reasons to extend it further. 'All-in' DRS seems like a big, complex, expensive hammer with which to crack a fairly small nut (i.e. littering, particularly at beaches and beauty spots).

### **Has that view changed?**

These concerns remain. Consequently, officers remain sceptical of DRS in any form without proper piloting (which it is clear will not now happen).

Backing up that view, the Environmental Services Association (ESA), and others, have already called for DRS to be delayed while the effect of EPR and Consistency are understood. The ESA has described DRS as 'the Emperor's new clothes', considering it a big, expensive, high-profile initiative that is likely to provide little benefit – and even add confusion – to consumers. LARAC, the Local Authorities Recycling Advisory Committee, agrees and intends to speak out strongly against DRS.

### **Is there support for DRS?**

The first consultation in 2019 received 208,000 responses, which were overwhelmingly in favour of 'all-in' DRS.

However, 207,000 of those responses were from three campaign bodies: Greenpeace, the Marine Conservation Society and 38 Degrees. Government has noted that the campaign responses did not answer all consultation questions, but targeted only specific questions about scope.

Officers do not consider that the campaigns' overwhelming desire for 'all-in' DRS should lead to avoidance of key questions around the cost, complexity and lack of need for 'all-in' (and perhaps even for any form of DRS at all).

An important issue may be that Scotland has already announced it will launch 'all-in' DRS. Wales has expressed the same preference subject to consideration of England's pending decision. This consultation considers how different systems (e.g. 'all-in' in Scotland and 'on-the-go' in England) might work in border areas. However, the fact that Scotland is going ahead with 'all-in' might be the deciding factor, if government opts for 'all-in' to avoid confusion for border-dwellers and businesses selling UK-wide.

### **Will residents pay less?**

While you may get a deposit back from a Reverse-Vend Machine, you will probably already have paid for it, and for the high scheme operational costs as well, in the original price of your bottle or can. It is unlikely that producers will simply absorb the costs of DRS, so in consumer terms DRS may be something of a perverse incentive for recycling.

And government acknowledges that not all containers will be recycled through DRS. The convenience of kerbside or street bins – or personal choices to litter – will have some influence on behaviour. Therefore, some people will not get the deposit back. That disadvantage may be disproportionately high for those who do not have a car with which to take containers back to the supermarket, creating an element of regressiveness.

There may be some compensation in government's proposal to pay councils for collecting DRS-eligible drinks containers that people still put in their bins (either recycling or refuse). This is designed to reduce the Council Tax burden for that portion of kerbside collections.

However:

- Getting money back will be dependent on collecting containers that are of sufficient quality to be eligible for return into DRS. We do not yet know exactly what that means in practice – it seems likely this may dovetail with the Consistency strategy.
- In any event, there is concern about the ability to reclaim deposits for kerbside-collected glass bottles. The amount of crushing inherent in kerbside collections seems likely to be far more than envisaged in Reverse-Vend Machines, an aspect that is commented on in the consultation.

So we cannot yet say how much money might be reclaimed by councils to offset collection costs.

### **How will this impact the Council?**

Government states that DRS could divert 85% of in-scope drinks containers (cans, glass, PET plastic bottles) that are currently collected in our bins. Whether or not that high level comes true, any change in waste volumes could lead us to re-think how many vehicles and staff we need.

But we cannot consider DRS alone. Extended Producer Responsibility (EPR) and Consistency of Collections (Consistency) will also affect the types and volumes of waste that we will collect in the future, and what options we are permitted for how to collect them. In combination, these strategies are likely to prompt review of how the Council collects waste. But their effects have yet to be fully understood.

In any event, as with EPR, any money that comes in from DRS should not be considered new or additional money. It will simply be money from a different source.

### **What's in this second consultation?**

The index of sections below highlights the subject areas being consulted on.

Much is technical, such as what should be in scope and how it should be managed. Some questions are of low direct relevance to councils, such as how producers interface with the regulator, or assessing the burdens on online marketplaces. But some are of high importance, such as labelling requirements and how councils could be paid for DRS containers in our bins.

The consultation also asks if we believe that the pandemic may have an impact on DRS. DRS, after all, is inherently designed to drive people together at Reverse-Vend Machine points.

Overall, the proposed responses again reflect the concerns about the efficacy and need for DRS. Where questions of a technical or practical nature are asked (such as at what level the deposit should be set), our responses have been focussed on seeking clear, simple-to-understand and research-backed decision. Or, where we simply do not have sufficient knowledge to respond, we have stated so.

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### **General themes of the Council's responses**

1. We are concerned that DRS will drive people to supermarkets and shops (or any other place with a deposit return point) without the long-term nature of the pandemic yet being fully understood (although experts do seem to agree that Covid will be with us for the long term).
2. We are concerned that government has ignored the success of kerbside collections when considering the pros and cons of 'all-in' versus 'on-the-go'. We have commented that government's Impact Assessment is coy about this, although it does state that *"most qualitative participants came to question the idea of a DRS, which they felt asked*

*a lot from consumers with no strong environmental benefit given the existence of kerbside recycling.”*

3. We have argued that border issues should not prevent England from making the right, considered decision about which type of DRS to implement (if at all). That Scotland is launching ‘all-in’ DRS does not remove the issues we have highlighted in our responses.
4. If any DRS is implemented, we have argued that it should be on the basis of ‘on-the-go’ only, not ‘all-in’. But we have called again for a UK pilot before any decision is made. And that does not change our essential stance that the case for DRS of any kind is unproven.
5. Within ‘on-the-go’ we have argued for government to raise the proposed maximum bottle size from 750ml to 1 litre. This is in line with statements in previous documents that 1-litre bottles are increasingly consumed on-the-go.
6. We have argued that the scope of DRS should be based on container types, rather than the material they are made of. This is because consumers will find it easier to understand – a crucial aspect of any scheme’s success.
7. We have commented that we hope DRS would promote a move away from cartons (such as TetraPak®) to DRS-eligible containers. That is because cartons are hard to recycle.
8. While government has consulted on targets, we have felt unable to respond because we have no UK data on which to base judgements.
9. We are generally supportive of the principle of DRS under the conditions below:
  - a. We have argued that the Deposit Management Organisation should be independent of producers.
  - b. And we have argued that its functions should be largely dictated by government (as opposed to a heavy reliance on tendered proposals). We have responded that we need to know more before we can comment authoritatively.
  - c. We have argued that the term of the Deposit Management Organisation contract should be long enough to provide certainty for it, producers and councils.
  - d. We have expressed concern that the timeline for setting up the Deposit Management Organisation is highly ambitious.
10. We have expressed concern about councils’ ability to separate DRS-eligible containers from kerbside collections in a way that renders them suitable for acceptance by DRS (and so redeem the deposits to fund council collections).
11. When presented with options re. council funding (DRS-eligible containers in our bins) we have selected that which we feel is most pragmatic and provides stable income flows.

12. Government has asked if we would be concerned by high levels of unredeemed deposits. We think that would be a sign of scheme failure and would represent a regressive tax.
13. We have suggested that any excess fund should be re-invested in the scheme and also contribute towards litter initiatives, so reinforcing the original conception of DRS.
14. We have not commented on how much the actual deposit level should be. Others are better qualified to assess the likely impacts on behaviour of different deposit levels. However, government has said it sees the deposit as being typically between 15 and 25p, depending on container size.
15. We have argued for care in obligating retailers of DRS-eligible drinks to host Reverse-Vend Machines (or manual collection points) if there are genuine reasons such as lack of space (especially in the pandemic context). Note: government may exempt retailers from hosting Reverse-Vend Machines on the grounds of proximity (i.e. there are plenty of others nearby) or health and safety.
16. We are concerned about the potentials for queues and frustration caused by faulty Reverse-Vend Machines.
17. We have argued that online retailers should be obligated for DRS because of their significant market impacts.
18. We are very concerned by the idea of digital DRS (scan, redeem and throw). It seems ripe for fraud and theft (including perhaps from the bins of vulnerable residents), and needs considerable thought before progressing. It has been argued that digital DRS would require every single drinks container to be individually numbered – a mammoth task for producers.
19. We support proposals for mandatory labelling (do/do not recycle) on the proviso that they are consistent across all producers and across the Deposit Return Scheme as well. We have recognised the potential issues of inconsistent labelling between the devolved nations, but have argued that border issues should not define the decision within England.
20. Government has suggested that councils, along with Trading Standards, could be best placed to monitor and enforce producer/retailer compliance with DRS. We have stated that to do so would require the funding of additional resources. Government has stated that any new council costs incurred by the strategy would be covered by its New Burdens doctrine. Additionally, we have stated that we see the Deposit Management Organisation as playing a role in compliance.
21. We are concerned by the launch timeframes. This is a big, complex, infrastructure-heavy project that involves new legislation; significant communications, IT, procurement and logistics; the setting up of a brand-new Deposit Management Organisation, and has many implications for producers, consumers and councils. Government has (understandably) delayed this second consultation by over a year, and has consequently moved DRS launch back from 2023 to 2024, but that still seems a heroically ambitious timeline for such a project.

END.

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