



Title of Report:	Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024
Committee Report Submitted To:	Environmental Services Committee
Date of Meeting:	17th April 2024
For Decision or For Information	For Decision
To be discussed In Committee	No

Linkage to Council Strategy (2021-25)	
Strategic Theme	Innovation and transformation
Outcome	Provide and deliver service in a more efficient way
Lead Officer	Director of Environmental Services

Budgetary Considerations	
Cost of Proposal	£5,000/annum (min 2 years)
Included in Current Year Estimates	YES/NO
Capital/Revenue	Revenue
Code	
Staffing Costs	N/A

Legal Considerations	
Input of Legal Services Required	YES/NO
Legal Opinion Obtained	YES/NO

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	Yes/No	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	Yes/No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	Yes/No	Date:

1.0 Purpose of Report

- 1.1 To advise / update Members on discussions at a national level with regard to agreeing proposals across the four UK nations in respect of proposals / draft regulations for Extended Producer Responsibility (EPR) for packaging scheme.
- 1.2 To seek member approval to recruit a shared waste specialist to deal with the implications of EPR, representing and assisting District Councils and NILGA on national forums with regard to policy development for EPR, a Deposit Return Scheme (DRS) and Common Collections Guidance in consideration of meeting waste, circular economy and climate goals.

2.0 Background

- 2.1 'Producer responsibility' is a concept used widely within the waste regulation sector aimed at ensuring that businesses that manufacture, import and sell products onto the open market are responsible for their end of life environmental impact.
- 2.2 The regulations require businesses to minimise waste arising from these products and promote their reuse.
- 2.3 The current producer responsibility system for packaging has been in operation since 1997 however it has not covered the full costs of recovering / disposing of packaging waste.
- 2.4 DAERA launched a public consultation on packaging EPR in July 2023. The consultation was UK wide and ran until the 9th October 2023. The purpose of the consultation was to test the clarity of the obligations created in the regulations and test their operability.
- 2.5 Following the consultation closure further discussions took place with all stakeholder organisations following which it was agreed to pause the process to allow for further and detailed engagement across all UK regions.
- 2.6 This engagement has developed into practical implementation, with local government being brought together with the packaging sector, as part of the whole collection and packaging value chain in a Steering Group to design a "Scheme Administrator" which will be responsible for delivery of the pEPR scheme from 2025
- 2.7 The new UK pEPR scheme will move the cost of dealing with packaging waste away from the taxpayer and on to packaging producers, who will pay for the full cost of managing packaging waste from households. Through the fees they pay to councils, producers will be incentivised to use less packaging, to use packaging that can be recycled, and to meet higher recycling targets.

3.0 Proposals

- 3.1 Extended Producer Responsibility (EPR) will move the full cost of dealing with packaging waste from households away from local ratepayers and councils to the packaging producers (applying the Polluter Pays principle) giving producers responsibility for their packaging throughout its life cycle.
- 3.2 The scheme / regulations once finalised will encourage producers to reduce their use of packaging and use packaging that is easier to recycle. Producers will be required to pay more for less sustainable packaging, incentivizing producers that use less material and which is easier to recycle.
- 3.3 Producers will also be responsible for meeting ambitious new recycling targets and to use clear recycling labelling to make it easier for consumers to do the right thing.
- 3.4 A national Steering Group is being established with representatives from local government across the UK invited to participate so as to ensure that the views and considerations of local authorities are fully reflected in the design and implementation of the finalised scheme.
- 3.5 In consideration of the above it is the considered view of SoLACE, CWF and NILGA that a dedicated resource be appointed to represent all of Northern Ireland's District Councils on this steering group, and related (preparatory) national meetings of local government.
- 3.6 Following discussions with SIB, they have agreed to recruit and manage this resource with the postholder working 2.5 days per week on EPR and related matters for the 11 district councils.
- 3.7 A draft JD and programme of activities is attached as appendix 1.
- 3.8 The postholder will report to and receive direction from a co-ordinating group of SoLACE (via CWF), SIB and NILGA on a regular basis.

4.0 Implications

Equality, Rural Needs, Climate Change and Data Protection

- 4.1 The Regulations are consistent with Councils commitment to reduce waste and to encourage greater recycling whilst delivering positive climate benefits.
- 4.2 The extended EPR regulations plays a part in the UK government's strategy in meeting net zero carbon emissions by 2050. The new EPR regime aims to deliver a more circular economy and achieve a reduction in the environmental impact of packaging through its life cycle.

Financial, Legal, HR, Improvement and Other

- 4.3 The impact of these regulations for Council will result in a net gain as producers make payments for the costs of managing household waste. This is thought to provide an estimated £1.2 billion of funding to local authorities across the UK each year for managing packaging waste easing pressures on Council's current tight budgets.
- 4.4 Councils are asked to provide funding to support the appointment of this resource for a minimum 2 year period with each authority contributing £5K per annum.

5.0 Recommendation(s)

It is recommended that the Environmental Services Committee recommends to Council to provide funding to support the appointment of this resource for a minimum 2 year period with each authority contributing £5K per annum.

Post: Waste Specialist

Based at: Working arrangements TBA in line with current SIB work practices, working from home etc.

Term: 2 Year Fixed Term

Hours: Part-time (2.5 days per week)

Salary: *SIB to consider and advise in terms of experience, JD requirements etc*

Reports to: TBA (SIB + relevant Steering Group e.g. CWF)

Job Purpose: The Waste Specialist will represent and assist District Councils and NILGA on national forums with regard to policy development for EPR, DRS and Common Collections Guidance in consideration of meeting waste, circular economy and climate goals.

Principal Duties and Responsibilities:

- To represent District Councils and NILGA on national Forums with regard to policy development for EPR, DRS and Common Collections.
- To input to strategic projects/working groups/policy development as appropriate, including work to develop infrastructure necessary to support the development of UKG/NI Executive proposals relating to Extended Producer Responsibility, Deposit Return Schemes and Common Collections.
- To undertake liaison and relationship building at a senior level with local authority Elected Members and officers, SoLACE, NILGA, DAERA, GWWG and the NIEA on EPR, DRS and Common Collections, Biodegradable Waste to Landfill Working Group.
- To undertake strategic level liaison with partner organisations and stakeholders on waste/circular economy and climate matters related to EPR, DRS and Common Collections to include attending meetings across the UK.
- To liaise with other nations' Local Government Associations on waste, CE and Climate Goals in so far as they relate to EPR, DRS and Common Collections matters across the UK and Republic of Ireland.

- To prepare responses to related consultations and provide regular update reports to SoLACE, the Council Waste Forum, District Councils and NILGA.
- To prepare reports for the CWF, NILGA or council political meetings as and when required.
- To help respond to media enquiries relating to waste matters, working with NILGA's and their member Councils' Communications and Media teams, GWWG etc.

Person specification: *May include some or all of the following TBA*

1. Skills and aptitude

- Applicants should be educated to degree level or equivalent in a relevant discipline
- Further education or equivalent experience in a discipline relevant to the post (e.g. waste management)
- Excellent communications and interpersonal skills
- Ability to negotiate and influence at a senior level across organisations
- Project management skills
- Good organisational skills
- Able to network and build effective relationships within the organisation and with partners
- Ability to broker agreements when there are strong opposing views
- Commissioning skills
- Facilitation skills
- Able to prioritise and manage competing workloads
- Ability to oversee work programmes and performance
- Ability to manage complex budgets
- Excellent written skills

2. Knowledge and experience

- Knowledge of waste management/CE and planning policy
- Experience of working at a senior and political level with/for local government and other stakeholders
- Experience of working with the media
- Experience of co-ordinating and managing a range of projects involving multiple stakeholders and of managing competing demands/expectations

- Experience of managing budgets across different services
- Experience of managing competing workloads

3. Attitude and motivation

- Committed to being a leading figure in sustainable waste management in Northern Ireland or other UK jurisdictions
- Committed to leading work with local authorities to change consumer attitude and behaviour in ways required to meet NI Executive's waste and circular economy policy objectives
- Committed to development and delivery of an integrated waste support programme for local authorities
- Committed to partnership working
- Committed to equalities in the work place and in service delivery and
- Committed to ensuring councils and stakeholders receive a quality service

4. Other

- Prepared to undertake extensive travel within Northern Ireland and occasionally to GB.
- Prepared to work evening and weekends as necessary e.g. meetings with chief officers and lead members, media interviews.

Waste Support Officer - Draft High level workplan

NB: This position will be filled at an early stage of the national and regional work to:

1. Develop and implement packaging Extended Producer Responsibility (pEPR) mechanisms in the UK, i.e. the Scheme Administrator for pEPR payments; and
2. Provide the necessary liaison between NI district councils, government and the Deposit Management Organisation for the forthcoming Deposit Management Return Scheme.

The first meeting of the Scheme Administrator interim steering group will take place on 2nd February 2024 and the work is anticipated to follow the approximate timeline provided overleaf (currently with 2 months delay).

Seb Munden will be Steering Group Chair, Margaret Bates is the first Head of the pEPR SA, and Angela Murphy is the Deputy Director (within Defra) for the pEPR scheme delivery.

The appointee to the Waste Support Officer post will be required to develop their own workplan in tandem with the developing needs of NI local government as more clarity is provided. The Terms of Reference for the Steering Group are yet to be provided, and it is anticipated that this Steering Group will in itself be tasked with agreeing a Terms of Reference for and developing the Scheme Administrator. *“The Steering Group will have an important role in shaping the SA and therefore setting pEPR up for success.” (Defra)*

Activity/Workplan for pEPR scheme

January 2024 – March 2024

In the time between SOLACE consideration of this proposal and the appointment of a suitable person, Karen Smyth from NILGA (working collaboratively with Conor Canning, Mark McAdoo and Tim Walker) will be

- attending the initial meetings of the SA interim steering group
- assisting in the set up and contributing to the work of the Local Authority Consortium/Technical Advisory Group (a feeder mechanism for the SA steering group) which is enabling local government to work on a focused and collaborative basis across the UK. **This is to include seeking resourced support for the Consortium from Defra.**
- contributing to the work of the Effectiveness and Efficiency Steering Group - which could fundamentally change existing council waste management activity and government (including legislative) requirements in relation to council improvement and effectiveness.
- Meeting regularly with counterparts in the other UK LGAs to ensure a joined up local government approach to this rapidly developing area of policy
- Meeting regularly with relevant senior officers to ensure the views of NI local government are appropriately reflected to government, both within NI and nationally.

It is anticipated that these activities will continue to develop, being taken forward by the new appointee once in place. The new appointee will also need to quickly refresh their awareness and understanding of relevant legislation (including performance improvement legislation), and establish the relationships with key colleagues within NI local government, DAERA and Defra. **There may be recommendations from the recent NIAO report that should be built into a workplan.**

April 2024 – November 2024: Intended Outcomes

- Local government views and needs are adequately recognised and incorporated in the work of the steering group, then the scheme administrator and the business case.
- The system and levels of payments to councils agreed by the SA are appropriate, workable and provide adequate recompense.
- Any effectiveness or efficiency requirements placed on councils are not duplicative or overly burdensome.
- Begin to develop regional working on common collection systems, aligned with new NI Waste Strategy

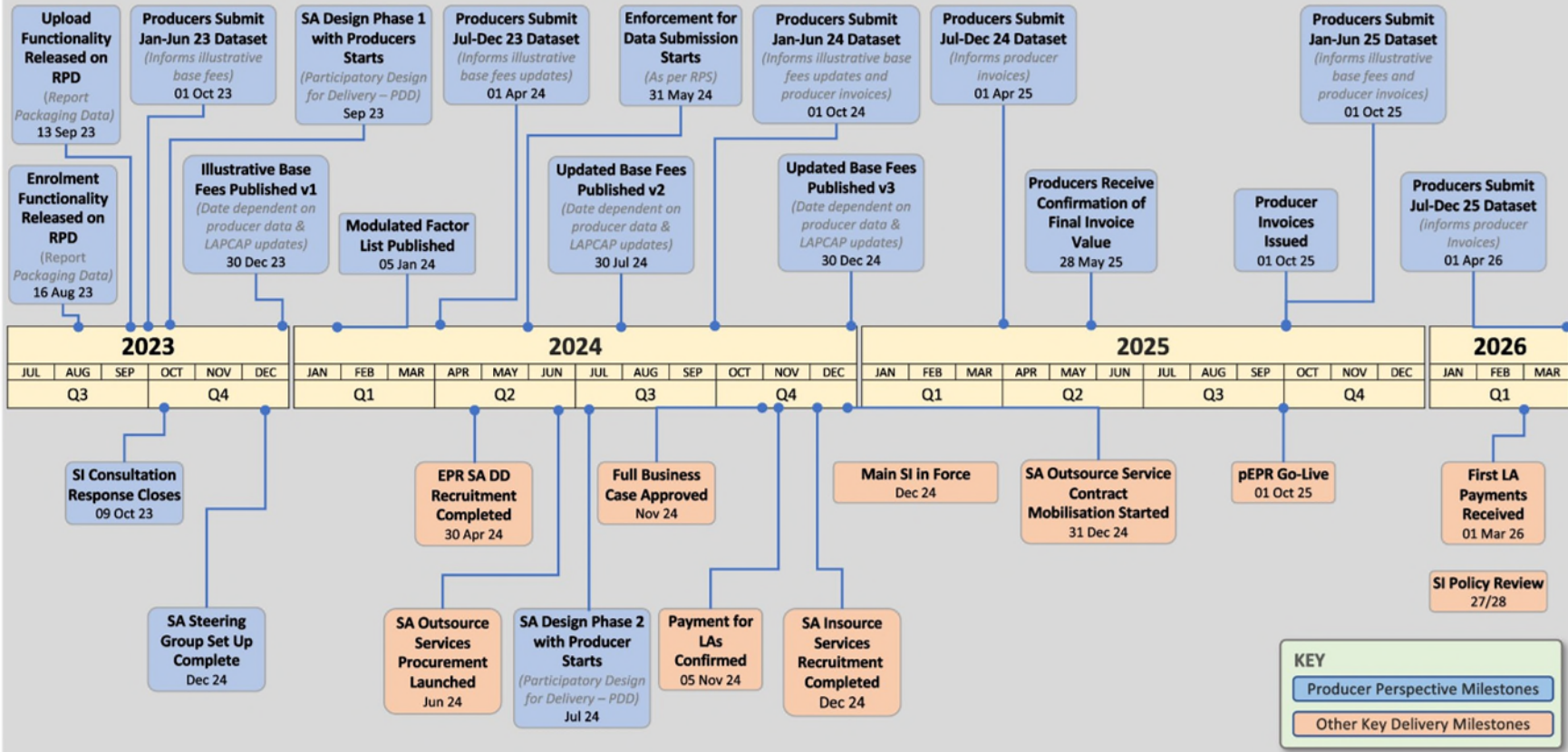
November 2024 – March 2026: Intended Outcomes

- Councils (through policy support) ensure they maintain eligibility for 100% of the available revenue streams (aligned to producer requirements on efficiency and effectiveness)
- Regional approach to common collection systems in place and active
- Smooth system of payments to councils in place

March 2026: Intended outcomes

- **Payments start to be received by councils**

⚠️ DRAFT: DATES COULD BE SUBJECT TO CHANGE AND ARE FOR ILLUSTRATIVE PURPOSES ONLY



Activity Workplan for Deposit Return Scheme (DRS)

DRS in England, Northern Ireland and Wales had the initial introduction deadline of 2023 however, following global events and a period of turbulence in government the consultation response outlined a new timeline for DRS with a deadline for implementation of October 2025.

This work is not as far advanced as the work on pEPR, and there is still considerable disagreement between the packaging industry and government .
There are quarterly workshops which Karen Smyth from NILGA is attending.

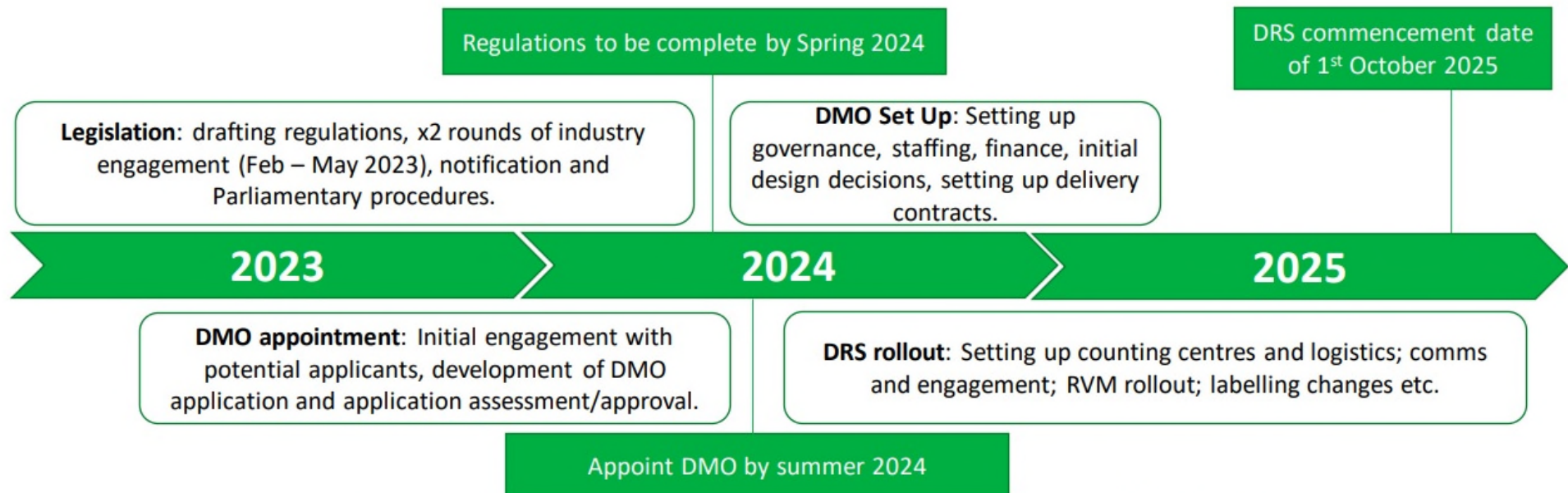
From the last few national government and industry workshop meetings the feedback is that:

- Industry is responsible for bringing a new DMO candidate group together as soon as possible (with support from government where needed).
- Industry is challenging the timelines set by government for DRS delivery, with insufficient time for DMO set up and industry rollout. They requested that government should revisit this to consider what is achievable and by when within the DRS rollout.
- Government need to provide clarity as soon as possible on what is in scope of schemes.
- Further consideration needed on set up finance that will be difficult to access.

The four nations are working at pace to finalise interoperability positions; teams are currently in the process of securing clearances from respective Ministers.

A draft route map is provided overleaf, but there is no clarity on accuracy of these timings.

The roadmap



There are three phases to delivering DRS:

Phase 1: Government-led activity

- Legislation
- DMO application process
- DMO appointment

Phase 2: DMO Set Up

- Appointments
- Contractual partners
- Decision making

Phase 3: DRS rollout –

- Physical implementation of the infrastructure and collection arrangements
- Producer readiness e.g. labelling, registration.