



3 July 2018

Dear Consultee

Defra and Welsh Government consultation on updated guidance on the household waste duty of care and new guidance for English local authorities on issuing fixed penalty notices

I am writing to invite views on updated guidance for householders on meeting their duty of care in the Waste Duty of Care Code of Practice, and new guidance on the proportionate use of an FPN in relation to the duty of care in England.

In January 2018 Defra and the Welsh Government consulted on proposals to tackle crime and poor performance in the waste sector and introduce a new fixed penalty notice (FPN) for the householder waste Duty of Care.

The responses to that consultation are currently being analysed before a final decision is taken. If a decision is taken to introduce a fixed penalty notice to provide a more proportionate response to breaches of this Duty of Care, we propose to issue non-statutory guidance to local authorities on how the FPN should be used, and update existing guidance in the waste Duty of Care Code of Practice, which sets out the waste duty of care requirements for householders, to provide greater detail on how to meet the duty of care.

This consultation and descriptions of law relate to England and Wales only. The Code of Practice in Part A: Guidance for householders covers England and Wales. The guidance in Part B: Guidance for local authorities is aimed only at English authorities. However, Welsh guidance will take a similar form and whilst a separate mechanism for comments will be made available in Wales, it will also be informed by responses to this consultation.

This consultation will run for 8 weeks from 3 July to 27 August 2018.

The following documents may be found on Citizen Space (Citizen Space is an on-line consultation tool) at: <https://consult.defra.gov.uk/waste/consultation-household-waste-duty-of-care>

- Consultation Document
- Updated Waste Duty of Care Code of Practice
- Guidance for Local Authorities on use of the new FPN

- Response Template (as an alternative to the Citizen Space questionnaire)

We welcome your views and comments on the proposals. To submit your consultation response please complete the consultation questionnaire provided through Citizen Space (link above) by 23.59pm on 27 August 2018. Responses are welcomed through the medium of Welsh.

While responses on Citizen Space are preferred, alternatively, you can return your responses:

By email to:
Wastecrime.Consultation@defra.gsi.gov.uk

Or in writing to:
Waste Regulation and Crime
Defra
Ground Floor, Seacole Building,
2 Marsham Street,
London,
SW1P 4DF

By email to: EQR@gov.wales
Or in writing to:
Environment Quality & Regulation Branch
Environment & Communities Division
Department for Natural Resources
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

If you wish to obtain a copy of this consultation, please email
Wastecrime.Consultation@defra.gsi.gov.uk

This consultation is in line with the Consultation Principles. These can be found at
<http://www.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance>

Confidentiality and data protection

A summary of responses to this consultation will be published on the Government website at: www.gov.uk/defra and www.gov.wales. An annex to the consultation summary will list all organisations that responded **but will not include** personal names, addresses or other contact details.

Defra may publish the content of your response to this consultation to make it available to the public without your personal name and private contact details (e.g. home address, email address, etc).

If you click on 'Yes' in response to the question asking if you would like anything in your response to be kept confidential, you are asked to state clearly what information you would like to be kept as confidential and explain your reasons for confidentiality. The reason for this is that information in responses to this consultation may be subject to release to the public or other parties in accordance with the access to information law (these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA)). We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances. In view of this, your explanation of your reasons for requesting confidentiality for all or part of your response would help us

balance these obligations for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

If you click on 'No' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we won't make your personal name and private contact details publicly available.

There may be occasions when Defra will share the information you provide in response to the consultation, including any personal data with external analysts. This is for the purposes of consultation response analysis and provision of a report of the summary of responses only.

This consultation is being conducted in line with the Cabinet Office "Consultation Principles" and be found at: <https://www.gov.uk/government/publications/consultation-principles-guidance>.

If you have any comments or complaints about the consultation process, please address them to: Consultation Coordinator, Area 1C, 1st Floor, Nobel House, 17 Smith Square, London SW1P 3JR, or email: consultation.coordinator@defra.gsi.gov.uk.

Thank you for your help in this matter. If you have any queries, please contact us as above.

Yours sincerely,

Waste Regulation and Crime Team
**Department for Environment, Food
and Rural Affairs**

Environment Quality & Regulation
Department for Natural Resources
Welsh Government