



Department
for Environment
Food & Rural Affairs



Llywodraeth Cymru
Welsh Government

Date: 15 January 2018

Dear Consultee

Defra and Welsh Government consultation on proposals to tackle crime and poor performance in the waste sector and introduce a new fixed penalty for the waste duty of care

I am writing to invite you to respond to a consultation on proposals to better tackle waste crime and poor performance in the waste sector.

In the last few years, we have taken a number of measures to address waste crime and poor performance, for example, by giving regulators, Environment Agency in England and Natural Resources Wales, new powers to tackle waste crime on the ground or giving local authorities the power to issue fixed penalty notices for small scale fly-tipping.

In 2015, a call for evidence asked for views on a number of measures to tackle waste crime and poor performance at waste sites. We have since worked with the regulators and stakeholders to develop proposals to introduce these measures as well as others and we are now seeking your views on these proposals through this consultation process.

The 2017 consultation is divided into three sections:

- Part A focuses on raising the standard of operator competence across all permitted waste sites by strengthening the regulators' assessment and enforcement abilities;
- Part B is about reforming the waste exemptions regime within the waste permitting system;
- Part C covers the introduction of a new Fixed Penalty Notice for household Duty of Care offences for fly-tipping.

The consultation proposals apply to England and Wales.

Further information and the consultation document can be found at:

<https://www.gov.uk/government/consultations/reducing-crime-at-sites-handling-waste-and-introducing-fixed-penalties-for-waste-duty-of-care>

Responses

This consultation will run for 10 weeks from 15 January 2018 to 26 March 2018. We welcome your views and comments on the proposals. The following documents may be found on Citizen Space (Citizen Space is an on-line consultation tool) at:

<https://consult.defra.gov.uk/waste/crime-and-poor-performance-in-the-waste-sector>

- Consultation document
- Impact assessments
- Annex 13

The consultation questions are listed in the online consultation survey, in the consultation document and in Annex 13. To submit your consultation response please complete the consultation questionnaire provided through Citizen Space (link above) by 23.59pm on 26 March 2018.

Alternatively, you can return your responses:

By email to:

Wastecrime.Consultation@defra.gsi.gov.uk

or in writing to:

Waste Regulation and Crime

Defra

Area 2B, Nobel House

17 Smith Square

London

SW1P 3JR

By email to: waste@gov.wales

or in writing to:

Water, Waste, Resource Efficiency and
Flood Division

Department for Environment and Rural
Affairs

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

Responses are welcomed through the medium of Welsh.

Responses should be received by 26 March 2018.

As these proposals extend to all operators of regulated waste facilities and exempt waste activities, this consultation will be of interest to all businesses across England and Wales that hold a waste permit or a registered waste exemption. The proposal on introducing a fixed penalty notice for the waste duty of care will be of particular interest to local authorities. We therefore encourage you to share this consultation widely with other individuals and organisations who may be interested in the proposals. The responses to

these questions will support and inform the future direction and policy options to tackle crime and persistent poor performance in the waste sector.

Summary of responses and confidentiality

Any responses you send will be seen in full by Defra and Welsh Government staff who deal with matters relating to this consultation. Responses may also be seen by other Defra and Welsh Government staff in order to help them plan future consultations.

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

Information provided in response to this consultation, including personal information, may be made available to the public on request, in accordance with the requirements of the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIRs). Defra may also publish the responses to the FOIA/EIR requests on www.gov.uk/defra and Welsh Government on www.gov.wales

If you want information, including personal information such as your name, that you provide to be treated as confidential, please explain clearly in writing when you provide your response to the consultation why you need to keep these details confidential. If we receive a request for the information under the FOIA or the EIRs we will take full account of your explanation, but we cannot guarantee that confidentiality can be maintained in all circumstances. However, Defra and Welsh Government will not permit any unwarranted breach of confidentiality nor will we act in contravention of our obligations under the Data Protection Act 1998 (DPA). An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as a confidentiality request.

Defra and Welsh Government will share the information you provide in response to the consultation, including any personal data, with a third party of contracted external analysts for the purposes of response analysis and provision of a report.

Defra is the data controller in respect of any personal data that you provide, and Defra's Personal Information Charter, which gives details of your rights in respect of the handling of your personal data, can be found at:

<https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs/about/personal-information-charter>.

Consultation Principles

This consultation is being conducted in line with the "Consultation Principles" as set out in the Better Regulation Executive guidance which can be found at:

<https://www.gov.uk/government/publications/consultation-principles-guidance>.

Comments and complaints

If you have any comments or complaints about the consultation process, please address them to: Consultation Co-ordinator, 8A 8th 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 faithfully

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

Waste Regulation Policy
Department for Environment and Rural
Affairs
Welsh Government